

## NOMINATION.

*Executive nomination received by the Senate May 31 (legislative day of May 24), 1920.*

## SOLICITOR GENERAL.

William L. Frierson, of Chattanooga, Tenn. (now Assistant Attorney General), to be Solicitor General, vice Alexander C. King, appointed circuit judge.

## HOUSE OF REPRESENTATIVES.

MONDAY, May 31, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of our fathers and our God, whose judgments are true and righteous altogether, we stand in Thy sacred presence on this holy day, with gratitude welling up in our hearts for Thee and for the brave and gallant men who gave the last full measure of devotion to the Nation they loved and which every true American loves, that it should not perish from the earth.

We bless Thee that patriotism lives and will weave garlands of flowers, tablets of roses, to strew over the silent graves of those whose tents are pitched on "fame's eternal camping ground." Long may their memories live and their deeds inspire our newborn sons with patriotic fire for liberty, freedom, justice, and truth.

So may our Government live and bear the fruits of freedom while time shall last and the Stars and Stripes of Old Glory live on forever. In the spirit of the World's Greatest Patriot who died a martyr to truth. Amen.

The Journal of the proceedings of Saturday last was read and approved.

## ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12272. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921; and

H. R. 12775. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and to establish military justice.

## ADDRESS ON LINCOLN AND GRANT.

Mr. OSBORNE. Mr. Speaker, I had the honor yesterday to deliver an address on Lincoln and Grant in the rotunda of the Capitol. I ask unanimous consent that I may be permitted to extend my remarks by publishing that address in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing an address that he gave yesterday in the rotunda of the Capitol on Lincoln and Grant. Is there objection?

There was no objection.

## CONFERENCE REPORT ON THE NAVAL APPROPRIATION BILL.

Mr. BUTLER. Mr. Speaker, I present for printing under the rule a conference report on the naval appropriation bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 13108. An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes.

## THE PUBLIC HEALTH SERVICE.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for two minutes. Is there objection?

Mr. BLANTON. Reserving the right to object, on what subject?

Mr. MADDEN. Some time since I received a letter from a man in Chicago by the name of Margolis, making charges against the Public Health Service. The result was an investigation. I have the report of the Surgeon General of the Public Health Service, and I would like to have it go into the RECORD. I would also like to explain the situation.

Mr. BLANTON. Is this Margolis the bolshevistic, anarchistic Margolis of Pittsburgh?

Mr. MADDEN. No; he is a Chicago man. As a matter of justice to the Public Health Service, I want to put it in the RECORD.

Mr. GARNER. Reserving the right to object, I want to say to the gentleman from Illinois that the gentleman from Massachusetts [Mr. WALSH] does not seem to be on his job and has not been for a week. There are thousands of letters like this that they wish to put in the RECORD.

Mr. MADDEN. This is a report from the Surgeon General of the Public Health Service.

Mr. GARNER. Yes; and I make a complaint to the Surgeon General, and he writes me a letter, and, as I say, there are thousands. I am not going to object to this one, but I do call the attention of the gentleman from Wyoming and the gentleman from Massachusetts that if we put one of these in the RECORD, everybody else will want to put his letter in.

Mr. MADDEN. I want to say that I think it would be unfair to the office of the Surgeon General not to give a history of this investigation, in view of the charges that have been made.

Mr. GARNER. What investigation by the Public Health Service? Nothing but a letter.

Mr. MADDEN. It was an investigation made by the Surgeon General's office, and this is a report of the result of that investigation.

Mr. GARNER. When did this man prefer the charges?

Mr. MADDEN. A couple of months ago.

Mr. GARNER. How did he make the charges?

Mr. MADDEN. By letter. It was taken up on the floor of the House, and they are published in the RECORD. I think it is only fair to have the other side of the case appear in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none.

Mr. MADDEN. Mr. Speaker, some time ago a man by the name of H. J. Margolis, of Chicago, representing himself as associated with an organization called the Service Men's Union of Soldiers, Sailors, and Marines Organization, wrote a letter complaining about the treatment of ex-service men in the hospitals under the conduct of the Public Health Service, and he cited specific cases of injustice done to those men.

After I took that matter up on the floor of the House the succeeding day the Surgeon General called at my office. He said that he would make a thorough investigation. He appointed his chief inspector, who went to the hospital referred to, made a thorough investigation of each case complained of, and the report of his findings is embodied in the paper I hold in my hand.

I wish to say in this connection that the result of the investigation seems to indicate that the charges made by Mr. Margolis were not well founded, and it is because of my desire to do justice to the office of the Surgeon General of the Public Health Service that I rise in my place this morning and say what I have said and ask unanimous consent that the report of the Surgeon General's office in respect to all these cases may be made a part of the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert the report in the RECORD. Is there objection?

There was no objection.

The report is as follows:

THE SURGEON GENERAL,  
BUREAU OF THE PUBLIC HEALTH SERVICE,  
Washington, May 11, 1920.

THE SURGEON GENERAL,  
United States Public Health Service, Washington, D. C.

SIR: I have the honor to submit the following synopsis from a report made by Senior Surg. (Reserve) Terriberry, the full report being now in your hands, on the letter of H. J. Margolis, of Chicago, dated April 1, and quoted by Hon. MARTIN B. MADDEN and published as a part of the CONGRESSIONAL RECORD of April 6, 1920.

Every individual who was quoted as having been the victim of neglect or ill-treatment was interviewed, together with many witnesses who were disinterested, and Senior Surg. Terriberry elicited the following facts:

1. The Margolis letter is written so as to produce an impression discrediting the service and its officers in Chicago, and at the same time to escape legal responsibility for statements not in accordance with fact. Except in the case of Hyman Margolis, the charges are indirect and based on hearsay.

2. Francisco Isaia, alleged discharged from hospital penniless and unable to work, has been receiving compensation, including back pay, at \$80 per month since his discharge from the Army; now in a period of quiescence while awaiting a secondary operation; was unable to get light work, therefore remained in hospital and says he has no complaint to make against the service or any of its officers.

3. Joseph Romano, alleged to be discharged after a serious operation and before cured; suffered from a sprained thumb. War Risk Bureau unable to connect this entry with his military service, but he was operated on March 18; made a normal recovery and was discharged on April 1; was not in receipt of compensation because he was not entitled to it. The operation was for varicocele, not in line of duty.

4. William E. Schmidt, charged to be the victim of professional malpractice; shown on investigation to be the victim of delayed development and hypochondriasis; was carefully examined and carefully treated; even has his meals served to him in bed, although there was nothing the matter with him except his congenital deficiencies. Dr. Hamill, the expert in this line, testified that he was a man of retarded development and constitutional mental inferiority.

5. Arthur Shoven, alleged to be the victim of malpractice in that his wounds after operation were not properly dressed, says himself that he has never made a statement such as was attributed to him by Margolis; that he received constant attention from the time he entered the hospital, and has no complaint to make against the hospital or anybody in it.

6. Flory S. Flowers, alleged to be the victim of neglect by the medical officers; shown in Army records to have been treated for bladder trouble not in line of duty; no evidence obtained to date showing this man's present ailment connected with his service in the Army; was found to be suffering from cataract of the right eye, which he claimed resulted from a boxing match in the service. There was unavoidable delay of two months in securing glasses not chargeable to the marine hospital authority, as glasses are provided by the War Risk Insurance Bureau under the law, and this man is not a beneficiary. He is now employed in the hospital itself as an orderly, being paid \$60 per month and his maintenance; prima facie evidence that he has no cause of complaint.

7. Joe Vacarro, charged to have been neglected by the medical officers. No evidence to show that his disability, which he claimed was from trouble with his back, had any connection with his Army service, and he is therefore not in receipt of compensation. While at the hospital he received treatment for his eyes, his tonsils, and for venereal disease, and is recorded as cured; testifies that he has "always been nervous," and is manifestly a case of neurasthenia. He is also employed as an orderly, doing light work, and is receiving \$60 per month as an employee.

8. Hyman Margolis, alleged victim of professional maltreatment and premature discharge from the hospital, with neglect on the part of medical officers, has nothing to substantiate his claim that his ailments are in any way connected with his Army service. Dr. Riddlon and Dr. Ryerson, both famous surgeons, testify that they do not believe his bunions were caused by standing in mud and water, but by shoes and stockings either too tight or too short. He is not in receipt of compensation for the reason above alleged, and, although this matter is outside the responsibilities of the Public Health Service, it is only fair to state it. Although not entitled, he was nevertheless operated on by Dr. Ryerson on February 20, and made an uneventful recovery, and was supplied a pair of shoes by the Red Cross, which he refused to wear. He refused to leave the ward and go to the dining room for his meals, claiming inability to do so, although able to go out of the hospital on pass at this time for two days. He was not discharged until after examination by Dr. John Riddlon, orthopedic consultant, who testified that he examined Margolis on March 29, and found the incision healed, and advised Margolis to use his feet, as in private practice such cases are made to walk much earlier than was Margolis as a part of the treatment itself. Margolis was ordered to be discharged from the hospital, and refused to go, and was finally ejected by the police.

9. H. J. Margolis, the brother of this man and the writer of the complaint, was called into the investigation, and testimony shows that he said he would have "Cobb (J. O. Cobb, the commanding officer) thrown out on his neck, and everybody else in the hospital, and would tear the place up from roof to cellar." He said he represented a soldier and sailor organization and various newspapers, and that his influence would enable him to carry out his threats. Testimony shows that Margolis was sufficiently cured at the time of his ejection to warrant action in discharging him without harm to himself or anybody else.

10. Charles H. Becker, alleged to have been discharged from the hospital, to his harm and detriment. This case was investigated by myself on March 3, 1920, and that the man's own statement, submitted and signed by himself, is to the effect that he had been treated in a kindly and courteous manner; that his teeth had been efficiently cared for; that, despite the fact that he had stated to his Congressman that he was neglected and had not been examined, evidence is on file to show that X-ray pictures were taken as follows: One of his head, one of his shoulder, two of his lungs, two of his teeth, three or four of his abdomen, and stomach tests to the number of three were made, and every decayed tooth in his head but one, which was then in the process of treatment, had been fully treated.

11. Eva Beuking, reported as charging Dr. Cobb, the commanding officer, with disrespectful language toward the Congress of the United States. The facts are that this woman represented herself alternately as a representative of the Red Cross and the Y. M. C. A., was disavowed by both organizations, and Dr. Cobb testifies that he has never seen her. It is presumable that an officer with 33 years of service to his credit would hardly be so indiscreet and disloyal as to be guilty of the charge, which is based entirely upon the unsupported testimony of this woman, who conducts a small candy and tobacco store, and whose veracity, as above shown, is impeached by both the Red Cross and the Y. M. C. A.

12. Suicide in hospital: The statement is made in the Margolis letter that a suicide occurred in the hospital and that rumors are that he committed suicide because during the week he was in the hospital he got no treatment and was in terrible pain. The facts, amply substantiated by testimony, are that the suicide in question, Thomas B. Delicate, was brought to the hospital by the police on March 5; was sent by a nurse at his own request to a bathroom to wash up, and a few minutes later, on hearing peculiar noises in the bathroom, the door was forced open and Delicate was seen over the bathtub hacking at his throat with a razor blade. He was immediately taken to the operating room, but died on the table. He was in the hospital less than one and one-half hours when he died.

#### CONCLUSIONS.

From the above charges, amply substantiated by sworn testimony submitted in the full report, it is easily seen that no one of the above charges can be sustained.

Respectfully,

J. H. WHITE,  
Assistant Surgeon General.

#### EXTENSION OF REMARKS ON THE BONUS BILL.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that all Members of the House may have the privilege of extending their remarks in the RECORD for three legislative days on the bonus bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members of the House may have three legislative days to extend remarks on the bonus bill. Is there objection?

Mr. WALSH. Reserving the right to object, I appreciate that it is customary at the end of a session to grant general leave to extend remarks in the RECORD, but that general leave is invariably abused. Now, unless this request, if it is granted, can be restricted to the Members' own remarks, without resolutions or letters or poems or songs or editorials or any of these extraneous matters, I am going to object. If the gentleman will permit Members to give their own views, confining it to their own remarks on the bonus bill, I will not object.

Mr. BLACK. I object.

Mr. KING. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Illinois makes the point that no quorum is present.

Mr. KING. At the request of the gentleman from Massachusetts, I will withdraw that.

Mr. BEGG. Mr. Speaker, I desire to announce that my colleague [Mr. COLE] is absent on business connected with the Committee on Indian Affairs. Had he been present Saturday and had the opportunity he would have voted "aye" on the bonus bill.

#### PURCHASE OF CAVALRY HORSES.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for one minute upon the subject of the Army foolishly buying unnecessary Cavalry horses in peace times.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, the San Angelo Standard published last Friday and other newspapers published in Texas advised that Army agents from Fort Reno and Oklahoma City were buying Cavalry horses for the Government and had recently purchased 150 such horses. Has this Congress authorized the Army to buy horses indiscriminately over the western portion of Texas in peace time? I think it is outrageous for the War Department at this time to continue buying unnecessary horses when we have a surplus of horses in the Army now, and I think that the best thing this Congress can do before we adjourn is, through the proper committee, to bring in a resolution directing the War Department to cease buying horses in time of peace.

Mr. DYER. Why does not the gentleman ask the Secretary of War to stop that?

Mr. BLANTON. We do not have to pass the buck. We have authority here to stop it ourselves. All we have to do is to command the Secretary of War to cease.

The SPEAKER. The time of the gentleman from Texas has expired.

#### EXTENSION OF REMARKS.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the war-risk insurance act.

The SPEAKER. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the development of our merchant marine.

The SPEAKER. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Speaker, I renew my request, and accept the suggestions and reservations made by the gentleman from Massachusetts [Mr. WALSH].

Mr. BEE. Mr. Speaker, reserving the right to object, does not the gentleman from Michigan think it rather remarkable on a bill where only 40 minutes of debate was had, to permit the RECORD to be lumbered up with a hundred or more alleged speeches made on the subject?

Mr. MCARTHUR. Mr. Speaker, I demand the regular order.

Mr. BLACK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the par check clearing system.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

Mr. KING. Mr. Speaker, reserving the right to object, may I couple with that a request to extend my remarks in the RECORD upon the same subject?



The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. NELSON] and the gentleman from Illinois [Mr. KING] to so extend their remarks in the RECORD?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon legislation affecting the West, principally public-land legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the agricultural situation in the country.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the state of the Union.

The SPEAKER. Is there objection?

Mr. McARTHUR. Mr. Speaker, reserving the right to object, which state?

Mr. GREENE of Vermont. There is only one state.

Mr. BLANTON. Mr. Speaker, reserving the right to object, which Union, ours or Mr. Gompers's?

Mr. GREENE of Vermont. The old one. Some of us have been in all of the time. [Laughter.]

Mr. GARNER. Mr. Speaker, what is the request as stated by the Chair?

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD upon the state of the Union. Is there objection?

Mr. BLACK. Mr. Speaker, reserving the right to object, the gentleman was in the House when I objected to any extension of remarks upon the bonus bill. I presume the extension he has in mind does not include the bonus bill?

Mr. GREENE of Vermont. Oh, no; it had no reference to the bonus bill. I think the less said about the bonus bill the better. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

#### ADDITIONAL EMPLOYEES IN ENROLLING ROOM.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

*Resolved*, That there shall be paid out of the contingent fund of the House, until and including June 5, 1920, not exceeding the sum of \$100, for the employment of such additional clerical and messenger service as may be necessary in the enrolling room.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. MONDELL. Mr. Speaker, the resolution is usual at the close of a session, in order to make the necessary provision for additional assistance in the enrolling room.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, we were all cheered this morning by the reappearance on the floor of the House of the gentleman from North Carolina [Mr. KITCHIN]. [Applause.] We are delighted to have him once more with us, and we all join in the hope for his complete restoration to health. [Applause.] We welcome him back to the House. [Applause.]

Mr. JOHNSON of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes on the river and harbor bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for 30 minutes on the river and harbor bill. Is there objection?

Mr. MONDELL. Mr. Speaker, I must object.

#### RIVER AND HARBOR BILL—CONFERENCE REPORT.

Mr. KENNEDY of Iowa. Mr. Speaker, I call up the conference report on the bill H. R. 11892, the river and harbor appropriation bill, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the river and harbor bill and asks unanimous consent

that the statement be read in lieu of the report. Is there objection. [After a pause.] The Chair hears none. The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 11, 15, 18, 20, 24, 26, 27, 32, 40, 43, 57, and 65.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 8, 9, 12, 14, 16, 17, 19, 21, 25, 28, 29, 30, 31, 33, 35, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 58, 59, 60, 62, and 63, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with its insertion on page 10, after line 16; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Sterlings" and insert in lieu thereof the word "Starlings," and strike out the word "Accomack" and insert in lieu thereof the word "Accomac"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Charlotte Harbor, Fla., with a view to securing a channel of suitable dimensions to Punta Gorda."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Harbor at St. Petersburg, Fla."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Tennessee River and tributaries, in North Carolina, Tennessee, Alabama, and Kentucky."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Pollocksville," in line 4, insert in lieu thereof the word "Polloksville," and transfer the item so amended to page 5, after line 5; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 4 of the amendment strike out the word "deep" and insert in lieu thereof the word "depth," and in line 18 of the amendment strike out the word "Cerritos" and insert in lieu thereof the word "Cerritos"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "with a view to"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 7 of the proposed amendment strike out the word "appropriation"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lines 7 and 8 of the proposed amendment strike out the word "appropriation"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 6. That the laws of the United States relating to the improvement of rivers and harbors, passed between March 4, 1913, until and including the laws of the third session of the Sixty-sixth Congress, shall be compiled under the direction of the Secretary of War and printed as a document, and that 600 additional copies shall be printed for the use of the War Department."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "appropriation"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 1.

C. A. KENNEDY,  
S. WALLACE DEMPSEY,  
THOS. GALLAGHER,

*Managers on the part of the House.*

W. L. JONES,  
CHAS. L. McNARY,  
JOS. E. RANDELL,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, submit the following written statement explaining the effect of the action agreed upon:

The rivers and harbors bill as it passed the House carried cash appropriations in the sum of \$12,400,000. The amount added by amendment in the Senate was \$12,000,000, making the total amount carried by the bill as it passed the Senate \$24,400,000. As a result of the conference, the amount involved in the Senate amendments has not been changed, no agreement having been reached by the committee of conference on amendment No. 1, the only amendment proposing a change in the amount appropriated by the House.

The following statement shows the action taken by the conference on each of the Senate amendments (page numbers refer to print of bill with Senate amendments numbered):

On amendment No. 1, page 1: Item increases amount appropriated by House for maintenance and improvement of such river and harbor works heretofore authorized as may be most desirable in the interests of commerce and navigation from \$12,000,000 to \$24,000,000. The committee of conference have been unable to agree on this amendment.

On amendment No. 2, page 2: Item strikes out proviso in House bill directing that of the \$12,000,000 appropriated for improvement and maintenance of works heretofore authorized \$5,000,000 shall be expended for maintenance work and \$7,000,000 for improvement work. House conferees recede. In the hearings before the Senate committee it developed that possibly more than \$5,000,000 would be required for maintenance; that if left in the House form a double set of accounts would have to be kept with the Treasury Department, involving additional clerical work; and on a number of the projects it is difficult to discern between maintenance and improvement work.

On amendment No. 3, page 3: Item inserts the following paragraph to section of bill providing for examinations and surveys:

"Every report submitted to Congress in pursuance of this section or of any provision of law for a survey hereafter enacted, in addition to other information which the Congress has heretofore directed shall be given, shall contain a statement of special or local benefit which will accrue to localities affected by such improvement and a statement of general or national benefits, with recommendations as to what local cooperation should be required, if any, on account of such special or local benefit."

House conferees recede.

On amendment No. 4, page 3: Survey of Camden Harbor, Me. House conferees recede.

On amendment No. 5, page 4: Survey of South Bay, Boston Harbor, Mass. House conferees recede.

On amendment No. 6: Item transfers House provision, which was misplaced. (See amendment No. 38, p. 11.) House conferees recede.

On amendment No. 7, page 4: Survey of Delaware River from Trenton, N. J., to Easton, Pa. Senate conferees recede.

On amendment No. 8, page 4: Survey of Woodbridge Creek, N. J. House conferees recede.

On amendment No. 9, page 5: Item amends House provision for survey of Raritan River, N. J., by striking out the words

"including that section above the Washington Canal." House conferees recede.

On amendment No. 10, page 5: Senate amendment amends provisos in items in river and harbor acts of 1910 and 1911 appropriating for the improvement of St. Jones River, Del. The effect of this amendment would be to allow work to proceed on the excavation of any single cut-off when the land for that cut-off is transferred to the United States free of cost, instead of delaying the prosecution of the improvement until the land required for the 16 cut-offs covered by the project is furnished free of cost by local interests. It also eliminates the following language from the items in the acts of 1910 and 1911 above referred to: "and the United States shall have been released from all claims for damages arising from the proposed diversion of the stream." House conferees recede with an amendment transferring the item to section 4 of the bill.

On amendment No. 11, page 5: Survey of lower 2 miles of Northwest River, N. C. and Va. Senate conferees recede.

On amendment No. 12, page 6: Survey of Warwick River, Va. House conferees recede.

On amendment No. 13, page 6: Survey of Starlings Creek, Accomac County, Va., and channel connecting said creek with Pocomoke Sound. House conferees recede with verbal amendment.

On amendment No. 14, page 6: Survey of channel leading from Oyster, Va., to Atlantic Ocean. House conferees recede.

On amendment No. 15, page 6: Survey of channel connecting York River, Va., with Back Creek. Senate conferees recede.

On amendment No. 16, page 6: Survey of Carters Creek, Lancaster County, Va. House conferees recede.

On amendment No. 17, page 6: Survey of Morattico Creek, Lancaster County, Va. House conferees recede.

On amendment No. 18, page 6: Item amends House provision for survey of Savannah harbor by extending the area over which survey is to be made about 4½ miles up the Savannah River to Drakes Cut. Senate conferees recede.

On amendment No. 19, page 7: Survey of St. Marks River, Wakulla County, Fla. House conferees recede.

On amendment No. 20, page 7: Survey of Charlotte harbor channel, South Boca Grande, Fla. Senate conferees recede.

On amendment No. 21, page 7: Survey of narrows between Choctawhatchee Bar and Santa Rosa Sound, Fla., including the swash channel from Camp Walton to Mary Esther. House conferees recede.

On amendment No. 22, page 7: Survey of Charlotte Harbor to Punta Gorda with a view to increasing the dimensions of the channel from Punta Gorda to the Gulf, including Boca Grande Channel. House conferees recede with an amendment confining the survey to the channel leading to Punta Gorda.

On amendment No. 23, page 7: Survey of St. Petersburg Harbor, Fla., and to deep water in Tampa Bay, with a view to increasing the dimensions of the channel and existing project from the docks to deep water in the bay. House conferees recede with an amendment making the item read as follows: "Harbor at St. Petersburg, Fla."

On amendment No. 24, page 7: To the House item providing a survey of "St. Johns River, Fla., from Jacksonville to the ocean," the Senate amendment adds the following: "and St. Johns River from Lake Harney to Indian River to create a navigable waterway from St. Johns River to Indian River." Senate conferees recede.

On amendment No. 25, page 7: Senate amendment adds word "Florida" to House item providing survey of Apalachicola Bay, Fla. House conferees recede.

On amendment No. 26, page 8: Item provides survey for Apalachicola River, at Apalachicola, Fla., and Apalachicola Bay, Fla. Senate conferees recede.

On amendment No. 27, page 8: Survey with a view to reporting whether the existing project provides sufficient depths to enable the deepest draft ships of the regular lines calling at Brunswick Harbor, Ga., to reach their docks without being delayed by waiting for the tide or using two tides to enter or leave the harbor; and, if adequate depths are not provided by the existing project, whether sufficient depths would be provided by the larger of the two projects reported in House Document No. 393, Sixty-fourth Congress, first session. Senate conferees recede.

On amendment No. 28, page 8: Survey of Gulfport Harbor and Ship Island Pass, Miss. House conferees recede.

On amendment No. 29, page 8: Survey of Mississippi River, La., with a view to securing an outlet to the Gulf of Mexico by the most practical route for a permanent channel of a depth not exceeding 35 feet. House conferees recede.

On amendment No. 30, page 8: Survey of Tensas River, La. House conferees recede.



On amendment No. 31, page 8: Survey of Galveston Channel, Tex. House conferees recede.

On amendment No. 32, page 9: Strikes out House item providing that a preliminary examination and survey shall be made of the "coast of Texas in the vicinity of Aransas Pass, Port Aransas, Corpus Christi, and Rockport, with a view to the establishment of a safe and adequate harbor," and inserts in lieu thereof an item directing that a survey of these localities shall be made by a board of engineers with a view to the establishment of a safe and adequate harbor or harbors, including protection against storms and erosions and the protection of the instrumentalities and aids of commerce located there. Senate conferees recede.

On amendment No. 33, page 9: Survey of La Grue River, Ark. House conferees recede.

On amendment No. 34, page 9: Survey of Tennessee River, Tenn., Ala., and Ky. House conferees recede with an amendment making the item read: "Tennessee River and tributaries, North Carolina, Tennessee, Alabama, and Kentucky."

On amendment No. 35, page 10: Survey of outlet of Cass Lake, Minn., with a view of securing a navigable connection with the Mississippi River. House conferees recede.

On amendment No. 36, page 10: Survey of Neuse and Trent Rivers, N. C. House conferees recede with amendment making slight verbal change.

On amendment No. 37, page 10: Survey of south fork of Kentucky River, Ky. House conferees recede.

On amendment No. 38, page 11: Transfer item inserted by the House to page 4 of bill. House conferees recede.

On amendment No. 39, page 11: House provision which ordered a survey of Los Angeles and Long Beach Harbors, Calif., is amended so as to provide for a preliminary examination and survey. House conferees recede with amendment correcting two typographical errors.

On amendment No. 40, page 13: Survey of Tillamook Bay, Oreg. Senate conferees recede.

On amendment No. 41, page 13: Survey of Tualatin River, Oreg. House conferees recede.

On amendments Nos. 42, 43, 44, 45, 46, and 47, pages 13 and 14: Items make slight verbal changes to House provisions for surveys. House conferees recede with slight verbal changes in Nos. 42 and 43.

On amendment No. 48, page 14: Survey of Wrangell Harbor, Alaska. House conferees recede.

On amendment No. 49, page 14: Survey of harbor of Christiansburg, St. Croix, Virgil Islands. House conferees recede.

On amendment No. 50, page 15: Item amends House bill by combining sections 4, 5, 6, and 7 into one section (sec. 4). House conferees recede.

On amendment No. 51, page 15: Item amends House provision authorizing the Secretary of War to credit local interests in the vicinity of Yaquina Bay and Harbor, Oreg. (in requiring compliance with the conditions precedent to the prosecution of the project adopted in the river and harbor act approved March 2, 1919), with the cost of work done by them which conforms to the project plans, by directing that credit shall be given at the present cost of doing the work which has been done. The act of 1919 required that local interests should pay half the cost of the work adopted, or \$418,000. Under a permit from the Secretary of War and under the supervision of the Chief of Engineers, the local interests had commenced work on the project and had expended, up to June 30, 1919, the sum of \$133,976. House conferees recede.

On amendments Nos. 52, 53, and 54, pages 15 and 16, strike out section numbers. House conferees recede.

On amendment No. 55, page 16: Transfers section 9 of House bill, at bottom of page 17, to section 4 of bill as amended by Senate. House conferees recede with slight verbal change.

On amendment No. 56, page 16: Item provides that the sum of \$71,775, when deposited in the Treasury by local interests, shall be accepted by the Secretary of War as the total cash contribution required under the provision in the river and harbor act approved July 27, 1916, adopting a new project for the improvement of Willapa Harbor and River, Wash. Under the condition referred to local interests were required to pay half the cost, which was estimated to be \$71,775. Due to increase in cost of doing the work contemplated the sum mentioned will not pay half the cost of completing the work at this time. The effect of the amendment will be to relieve local interests of the necessity of making further contribution toward the prosecution of the work covered by this project. House conferees recede with slight verbal change.

On amendment No. 57, page 17: Item provides that the Secretary of War may, in his discretion, in requiring compliance with the conditions precedent to the prosecution of the project

adopted in the river and harbor act approved March 2, 1919, credit local interests with the cost of so much of the work performed by the city of Houston and the Harris County Houston ship channel navigation district in the construction of the turning basin and channel in the Houston ship channel, Tex., as conforms to the project plans and standards of the Government. Senate conferees recede.

On amendment No. 58, page 17: Item authorizes the transfer of dredge *Cumberland* from Fernandina Harbor, Fla., to Savannah Harbor, Ga., without charge. House conferees recede.

On amendment No. 59, page 17: Changes section number. House conferees recede.

On amendment No. 60, page 17: Strikes out section 9 of House bill. The language of the House section was reinserted by the Senate in section 4, amendment No. 55. House conferees recede.

On amendment No. 61, page 18: Item provides for printing the laws relating to rivers and harbors passed between March 4, 1913, and March 4, 1921. House conferees recede with an amendment directing that the compilation shall be printed as a document and 600 additional copies shall be printed for the use of the War Department.

On amendment No. 62, page 18: Item provides that appropriations heretofore made or provided in this act for improvement work on rivers and harbors may be used for maintenance work whenever from any cause they may have become seriously impaired, but prohibits the diversion of funds from one project to another. House conferees recede.

On amendment No. 63, page 18: Item authorizes the Secretary of War to transfer, free of charge, to the Chief of Engineers, for use in prosecuting civil works under his direction, such material, supplies, instruments, vehicles, machinery, or other equipment, pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes. House conferees recede.

On amendment No. 64, page 19: Item amends section 4 of the river and harbor act approved June 25, 1910, which authorizes the Secretary of War to adjust and settle all claims for damages by collision against vessels belonging to the United States, where the claim is not in excess of \$500, if, in his judgment, after investigation, the claim is just, by authorizing the Secretary of War to settle, in like manner, whenever, in the prosecution of river and harbor works, an accident occurs, damaging or destroying property belonging to any person or corporation, and whenever personal property of employees of the United States who are employed on or in connection with river and harbor works is damaged or destroyed in connection with the loss, threatened loss, or damage to United States property, or through efforts to save life or to preserve United States property such claims as are found, in his judgment, to be just, and which do not exceed \$500 in cost to the Government for a single claim. House conferees recede with slight verbal change.

On amendment No. 65, page 20: Item provides for transfer and sale of land which was made by the deposit of spoil in the prosecution of river improvement work at Alexandria, Va. The question as to whether the title to this land lies in the United States or the riparian owners is now involved in a friendly suit before the District Supreme Court. Senate conferees recede.

C. A. KENNEDY,  
S. WALLACE DEMPSEY,  
THOS. GALLAGHER,

*Managers on the part of the House.*

During the reading of the statement, Mr. BEE. Mr. Speaker, I would be glad at this time to make an inquiry of the chairman with reference to an item, or shall I wait until the reading of the statement is finished?

The SPEAKER. The gentleman will wait until the statement is finished.

The Clerk concluded the reading of the statement. Mr. KENNEDY of Iowa. Mr. Speaker, the Senate added 65 amendments to the House bill, and we reached an agreement on all the amendments except amendment No. 1, which raises the amount carried in the House bill from \$12,000,000 to \$24,000,000. Of these 65 amendments 31 were for surveys. The conferees on the part of the House agreed to all the amendments for surveys that came within the rule under which surveys are ordered by the Rivers and Harbors Committee, which is that they will not order a survey where an adverse report was made within four years. The Senate conferees receded from such survey amendments as did not come within the rule. All told, there were something like 10 legislative amendments. There is only one which affects the policy heretofore followed, and that is amendment No. 3. This amendment requires the engineers in reporting on surveys to make a statement as to

what local or special benefits will accrue to localities affected by such improvements and recommend local cooperation if the facts warrant. The conferees thought that was a very good amendment to agree to.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. KENNEDY of Iowa. I will yield to the gentleman.

Mr. JOHNSON of Mississippi. Col. Taylor in his testimony before the committee urgently recommended \$42,000,000—I have the hearings before me. Along toward the latter part of his testimony he recommended \$27,000,000 as the minimum. He based his recommendation upon the work that was to be done on surveys, maintenance, and other work, as mentioned in his reports. Now, I note from the hearings that he recommends \$130,000 for Gulfport Harbor for maintenance and he recommends \$60,000 for Pascagoula Harbor. I understand from Col. Taylor that if this appropriation is cut to \$12,000,000 that it will be absolutely impossible to maintain those harbors. I want to call the attention of the gentleman to Pascagoula Harbor, that there has been for the last two years a large shipbuilding plant established there, employing several thousand men, also there are a large number of wooden-ship building plants, or have been there—most of them are being discontinued. Now, the Government has spent thousands and thousands of dollars upon this harbor. There is now a bar lying between Horn Island Pass and Pascagoula Harbor, or the Louisville & Nashville Railroad bridge, which, if removed, would give a 26-foot channel to the Gulf. Now, unless that harbor is improved, of course all the money that has been spent by the Government there will have been lost, unless Congress later on makes appropriation for it.

Mr. MONDELL. Will the gentleman yield?

Mr. JOHNSON of Mississippi. Yes.

Mr. MONDELL. How does it happen the Government spent so much money at a point where there is no water?

Mr. JOHNSON of Mississippi. The gentleman is very much mistaken about that.

Mr. MONDELL. Well, if there is an adequate supply of water it would not be necessary to have the dredging to which the gentleman refers?

Mr. JOHNSON of Mississippi. The gentleman is mistaken about that. The hearings will show that at the mouth of the Pascagoula River there are 26 feet of water between the Louisville & Nashville Railroad Co.'s line and Horn Island Pass, except a bar the Government is now working on.

The Government is now dredging that bar, cutting it out so that any ocean-going vessel can pass over it; but if this appropriation for this point is not increased, seagoing vessels carrying a heavy amount of tonnage can not pass over that bar, so I seriously urge on the committee to take this matter into consideration. Now, in respect to Gulfport Harbor, the appropriation recommended by Col. Taylor is \$130,000. With a \$12,000,000 appropriation for all the ports of the country, he does not see how this can be made. Of course, I appreciate there is a small sum remaining on hand—I believe he estimates about \$12,000,000 to be distributed—but I call the attention of the chairman to the fact that these appropriations can not be used except for specific places mentioned in the bill. That is true, is it not, that this money can not be diverted except as the act of Congress specifies?

Mr. KENNEDY of Iowa. That is money already appropriated for specific projects. But any of the money carried in this bill under the amendment agreed to permits the use of any of the \$12,000,000 for improvement or maintenance work.

Mr. SNELL. Will the gentleman yield for a question?

Mr. KENNEDY of Iowa. I will yield to the gentleman.

Mr. JOHNSON of Mississippi. If the gentleman will just permit me to finish this, I hope the gentleman and his committee will see their way clear toward increasing the appropriation.

Mr. KENNEDY of Iowa. I will say to the gentleman we had this in our minds. We just discussed at one meeting the amount to be carried in the bill. The chairman of the Commerce Committee asked that he be permitted to take that amendment back to the Senate. He seemed to feel that he had misled the Senate by a statement he made on the floor. He evidently misunderstood what Col. Taylor said.

Mr. DUPRÉ. The chairman intends to ask for a further conference on amendment No. 1, which, I take it, is the only one in dispute, covering the amount of money to be appropriated.

Mr. KENNEDY of Iowa. Yes. When the proper time comes I shall ask that the House further insist on its disagreement to that amendment and send it back to conference.

Mr. SNELL. Will the gentleman yield for a question?

Mr. KENNEDY of Iowa. I will.

Mr. SNELL. Is it not a fact that there are over \$50,000,000 on hand still unexpended?

Mr. KENNEDY of Iowa. The report made by the Chief of Engineers on date of April 1 shows that on the 1st day of July there will be unexpended balances amounting to over \$53,000,000 to carry the work of emergency river and harbor improvement for eight months, up to the 1st of March, 1921, without taking into consideration the amount carried in this bill.

Mr. SNELL. And if we appropriate \$24,000,000 more it makes over \$60,000,000 to be available next year?

Mr. KENNEDY of Iowa. It will mean that with the provisions of the House bill there will be over \$65,000,000 to carry on the work of river and harbor improvement for eight months, or five times as much as was expended on all the projects during the last fiscal year.

Mr. SNELL. Under the present conditions of labor and material is it possible to spend more money than that during the coming year?

Mr. KENNEDY of Iowa. Col. Taylor told me within the last three or four days that they hoped to be able to expend about \$40,000,000 next year.

Mr. SNELL. You have more money appropriated now, to say nothing of the bill that passed the House, by \$12,000,000 than they can possibly spend next year?

Mr. KENNEDY of Iowa. Yes.

Mr. SNELL. Then why should we increase the amount carried in the House bill?

Mr. KENNEDY of Iowa. So far the Senate conferees have not convinced us it is needed.

Mr. SNELL. I hope that the House conferees will stick with great tenacity on the \$12,000,000 in the present bill.

Mr. TREADWAY. Will the gentleman from Iowa yield?

Mr. KENNEDY of Iowa. I will.

Mr. TREADWAY. Is it not possible to give instructions to the conferees to that effect?

Mr. KENNEDY of Iowa. I do not think we ought to be instructed.

Mr. TREADWAY. In reference to this \$50,000,000 that is on hand, can it be changed from one project to another at the will of the engineers?

Mr. KENNEDY of Iowa. No.

Mr. TREADWAY. That is limited to the projects for which it was appropriated?

Mr. KENNEDY of Iowa. That is true.

Mr. TREADWAY. But the \$12,000,000 can be apportioned as the engineers see fit, where the needs of the service show it should be done?

Mr. KENNEDY of Iowa. That is the case; and I will state, as I said when the bill was considered in the House, that I consider this \$12,000,000 as an emergency proposition.

Mr. TREADWAY. At their discretion?

Mr. KENNEDY of Iowa. Yes.

Mr. TREADWAY. I join the gentleman in thinking that the House conferees, if they do not desire further instruction from the House, should insist on keeping the item not to exceed the House appropriation of \$12,000,000.

Mr. KENNEDY of Iowa. The gentleman from Mississippi [Mr. JOHNSON] asked me what was the most that has ever been spent during a fiscal year. I will say that I think about \$39,000,000 is the most that has ever been spent in one year in the history of the Government, and the amount we will have on hand under the House bill on the 1st of July will be more than twice that sum.

Mr. MADDEN. Will the gentleman state how much was expended last year?

Mr. KENNEDY of Iowa. A trifle over \$21,000,000 in all.

Mr. JOHNSON of Mississippi. I want to call attention to this fact: As shown by Col. Taylor, the reason why more was not spent on these projects and more improvements made was on account of war conditions. Labor and coal will be an increased item, as Col. Taylor states in his report, and that ought to be taken into consideration. A few years ago the cost of coal and labor was a great deal less than it will be at this time.

Mr. KENNEDY of Iowa. I will say to the gentleman that the expenditures for this fiscal year, estimating for May and June, will amount to just about \$30,000,000.

Mr. BAER. Is it not a fact that contracts are being made now at a cost of about 300 per cent more than normal?

Mr. KENNEDY of Iowa. Cost seems to be abnormal.

Mr. VARE. They were abnormal last year, and they are still abnormal, and would it not be a good business proposition not to go too hastily with large contracts during these abnormal times?

Mr. KENNEDY of Iowa. I will say to the gentleman that Col. Taylor stated when before our committee he did not



think it advisable to make continuing contracts at this time, because there is a strong probability that the cost of doing the work would be reduced.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. What objection has the gentleman to the House instructing the conferees to vote for \$24,000,000 instead of \$12,000,000?

Mr. KENNEDY of Iowa. I have this objection, that I do not think it is needed.

Mr. SWEET. Will the gentleman yield?

Mr. KENNEDY of Iowa. I will yield to my colleague.

Mr. SWEET. How much of the \$53,000,000 that you claim is now on hand is already contracted for to complete special projects?

Mr. KENNEDY of Iowa. I will say to the gentleman that on April 1 about \$27,000,000 was under contract or allotted. That means that on April 1 there was \$27,000,000 in cash to pay for work under contract, to be done in the future.

Mr. SWEET. Extending over how long a time?

Mr. KENNEDY of Iowa. I will say to the gentleman that there are eight projects where the contracts total in each case more than \$500,000. But in most cases, where there is a million or two million under contract they are let out under several contracts; that is, the amount covers several contracts. So that as near as we can tell the whole amount under contract will not be expended up until March 4, 1921. On such projects as are estimated for in this bill, 49 of them, there will be about \$5,000,000 of the amount under contract unexpended March 1, 1921.

Mr. SWEET. How much did your bill carry for maintenance and upkeep outside of the special projects that have been contracted for?

Mr. KENNEDY of Iowa. The lump-sum provision as amended by the Senate, and to which the House conferees agreed, provides that the entire \$12,000,000 can be used for maintenance or improvement work on any project that is needed.

Mr. SWEET. And that is left to the discretion of the engineers?

Mr. KENNEDY of Iowa. That is left to the discretion of the engineers, and under that provision they must use it where it is needed in the interest of commerce.

Mr. DENISON. Will the gentleman from Iowa yield?

Mr. KENNEDY of Iowa. I yield to my friend.

Mr. DENISON. Of course, I have listened with a great deal of interest to the statement of the gentleman from Massachusetts [Mr. TREADWAY], and that of the gentleman from New York [Mr. SNELL], expressing the hope that the conferees would insist upon the provision put in the House bill. I want to express the hope that the conferees will not take this instruction of these gentlemen as an instruction of the House to the conferees. The people of the Mississippi Valley are very much interested in this matter, and I am hoping that the conferees will approach the Senate conferees on this question with open minds and give it their most serious consideration.

Mr. KENNEDY of Iowa. Without doubt that will be done.

Mr. MONDELL. If there is any doubt on that question, we will have that doubt settled right here, before this conference report goes back to the Senate.

Nine-tenths of the House know—practically everyone in the House knows—that every dollar is appropriated here that is necessary for any project in the country where there is water and commerce, and that another dollar added to the sum carried in the House bill is a dollar that is unnecessary and not needed and a waste of public money; and I am sure that the House will not stand for anything of that kind. And if it requires instruction to the conferees the House will give the instruction, and if instructions are not given—definite, binding instructions—it will be because the House believes that the Senate is prepared to recede, and that the conferees on the part of the House will insist on the Senate receding.

Mr. DENISON. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of Mississippi. Mr. Speaker, I will call the gentleman's [Mr. MONDELL] attention to the fact that there are no ports in the State of Wyoming, and if this were a reclamation scheme the gentleman would be in favor of expending every dollar in the Treasury.

Mr. DENISON. The gentleman from Wyoming is expressing his opinion about things as to which, I think, he has not full information, and I am not sure that we will do exactly what he states.

Mr. KENNEDY of Iowa. We discussed it for a few moments, and at the request of the Senate conferees we let them take it back to the Senate. We passed on these other matters.

Mr. DENISON. I want to see a river and harbor bill enacted, but if the attitude of the gentleman from Wyoming is to be insisted upon here we may not have any river and harbor bill whatever.

Mr. BLAND of Missouri. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. BLAND of Missouri. The gentleman is aware, is he not, of the fact that Col. Taylor, in his testimony before the Commerce Committee of the Senate, said that he recommended \$24,000,000 as being the irreducible minimum if these improvement projects were to receive the proper completion and the work is to be maintained.

Mr. KENNEDY of Iowa. I think he qualified that statement before the House committee. He said that statement was based on the policy of the engineers to complete the existing projects without delay. He did not say that \$24,000,000 was necessary in the interest of commerce.

Mr. BLAND of Missouri. I heard Col. Taylor's statement before the Commerce Committee of the Senate, and it was absolute, I think, that the \$24,000,000 he regards as the irreducible minimum in order that the interests of the Government may be protected in the money already expended, and in order that the work may be conducted with anything like reasonable dispatch.

Mr. DEMPSEY. Col. Taylor wrote to the chairman of the committee that \$18,000,000 was, in his judgment, the least amount with which they could meet the needs of commerce.

Mr. BLAND of Missouri. He may have reduced the irreducible minimum, but I would like to ask the gentleman one other question.

Mr. KENNEDY of Iowa. Very well.

Mr. BLAND of Missouri. I understand that the gentleman will not ask for positive instructions to-day?

Mr. KENNEDY of Iowa. I shall ask that the House further insist.

Mr. TREADWAY. The gentleman from Illinois [Mr. DENISON] made some reference as to what the attitude of the House might be. As I understand it, the vote of the House now stands for \$12,000,000 as the appropriation. Now, I agree with the gentleman from Wyoming [Mr. MONDELL] that if there is any question about that being the limit of the amount the House desires to have go into the appropriation bill we had better instruct the conferees right now. But I yield to the superior judgment and wishes of the chairman of the committee, and the gentlemen who probably will be conferees with him, and will not ask for a vote instructing them at this time. I think, however, the House is in the attitude of being ready to pass such a vote if it felt that it was necessary in order to strengthen such support as the conferees desire to limit the amount to \$12,000,000. I for one think it is ample, with the \$50,000,000 already on hand, to do all that is necessary in these days of high prices; and I think, further, that as the matter now stands, the House conferees do not need an instruction to the effect that \$12,000,000 is the amount that the House favors, and that we do not favor any more.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. DYER. I hope that the conferees will not think that the gentleman from Massachusetts [Mr. TREADWAY] is expressing the judgment of the House upon this matter. I know the wish of this House is that the amount shall not be less than the amount that the Senate authorized. I think we ought to have an ample amount, and if any instruction is necessary I think we could get instruction to adhere to the position of the conferees on the part of the Senate.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. KINCHELOE. Notwithstanding the claim of the majority leader of the House [Mr. MONDELL] in regard to rivers and harbors, in which he said that every Member knew that the amount carried in this bill was as much or more than could be expended, I want to ask this question: The amount already appropriated for the Ohio River that will be available this year is over \$4,000,000, is it not?

Mr. KENNEDY of Iowa. No; over \$9,000,000 is on hand. Between \$4,000,000 and \$5,000,000 is tied up in contracts for work to be done in the future. There is between \$4,000,000 and \$5,000,000 allotted that the department can "pull back," if necessary.

Mr. KINCHELOE. In view of the fact that the Congress established several years ago the policy of a 9-foot stage in the Ohio River, which we all know if completed at the 9-foot stage would be as great an artery of commerce as there is in the world, and in view of the fact that the lowest dam that is now being constructed is only at Henderson, Ky., which I believe

is about 165 miles from that point to the mouth of the Ohio, why could there not be more than this amount expended there in the year, when Congress pledged to the people along that river that the work would be speedily finished?

Mr. KENNEDY of Iowa. I do not know whether they have definitely determined as yet whether they would improve the lower reach of the river by the lock and dam system or by means of open-channel work. I do not know whether that is decided on or not; but in regard to the other question that the gentleman from Kentucky asked, Col. Taylor said they already had at work all the contractors that they could get to do that work. They could not get more bidders, because it requires an expensive plant that would be almost worthless after they had completed the contract.

Mr. KINCHELOE. You spoke of those two propositions. What other proposition could be invoked there, except locks and dams, to improve the navigation of the Ohio River? They certainly could not dredge it.

Mr. KENNEDY of Iowa. They have figured that they could probably dredge it cheaper from Henderson, Ky., down. The only difficulty that might arise by improving by open-channel work is that there might not be sufficient water in the Ohio River at certain periods of the year between Henderson, Ky., and the mouth of the Tennessee River to maintain the 9-foot channel. I think they will finally agree to improve it by the lock and dam system.

Mr. KINCHELOE. The question is, When are they going to decide that proposition?

Mr. LAYTON. Will the gentleman yield?

Mr. KENNEDY of Iowa. I yield to the gentleman from Delaware.

Mr. LAYTON. Is it not also a fact that in addition to the \$53,000,000, together with the \$12,000,000 of new appropriations, the engineering department of the Government is confronted with a lack of dredges for the prosecution of this work, and that one of the great handicaps under which they are now laboring is to get dredges to do this work, which dredges it takes two or three years probably to build, some of them?

Mr. KENNEDY of Iowa. That is true.

Mr. OGDEN. Can the gentleman state whether the unexpended balance for the Ohio River will be sufficient to continue these projects during the next fiscal year?

Mr. KENNEDY of Iowa. I do not think there is any doubt about it. If I were asked my idea about it, I should say there would be a hold over of several million dollars on the 4th of March, 1921.

Mr. OGDEN. Is any part of the appropriation carried in this bill to be allotted for work on any of those projects?

Mr. KENNEDY of Iowa. That will be allotted in the discretion of the Chief of Engineers and the Secretary of War. They will allot this \$12,000,000 where it is most needed in the interest of commerce.

Mr. OGDEN. It has not been indicated as to how it will be allotted?

Mr. KENNEDY of Iowa. Oh, no; and will not be, until after they have figured on it.

Mr. BARKLEY. Will the gentleman yield?

Mr. KENNEDY of Iowa. I yield to the gentleman from Kentucky.

Mr. BARKLEY. The gentleman from Iowa will recall that in the last river and harbor appropriation bill, or perhaps the one before that, the Secretary of War was authorized to experiment with the open-channel work below Hendersonville with a view to determining whether a 9-foot stage could be maintained in the Ohio River in that way. Can the gentleman state what work has been done by the department in the way of experimentation on that proposition to determine whether that will be feasible?

Mr. KENNEDY of Iowa. I will say to the gentleman that two years ago, in the river and harbor appropriation bill, we gave authority to the Secretary of War to modify the Ohio River project if he thought it was more desirable to improve that reach of the river by open-channel work.

Mr. BARKLEY. The gentleman is mistaken about that. We did not go to the extent of authorizing him to modify it, but we authorized him to experiment with this modification and report back to Congress, so that Congress could determine whether it would eliminate those locks and dams in the lower river.

Mr. KENNEDY of Iowa. I think the gentleman is mistaken about that. I think we modified the project to the extent of permitting him to do that if it was more economical and desirable.

Mr. BARKLEY. We passed a provision that he must report back to Congress. I remember the colloquy which occurred at

the time that the bill was amended in that way, when it was stated that if he reported back to Congress, and Congress did not authorize it, the project would go on as originally planned.

Mr. KENNEDY of Iowa. The gentleman may be correct.

Mr. BARKLEY. I want to know if anything has been done to demonstrate whether this modification can be put into effect on the lower river. My reason for asking that is that the longer the experiment is put off the longer will be the postponement of the construction of those locks and dams that are necessary to create this 9-foot channel in the lower river.

Mr. KENNEDY of Iowa. I did not suppose it required any experiment. I thought the Board of Engineers was going to pass on the proposition.

Mr. BARKLEY. I think it is in the nature of an experiment. I think the result of it must be reported back to the Congress.

Mr. KENNEDY of Iowa. That may be the case, but I think the gentleman is in error.

Mr. DEMPSEY. We will find out before the bill comes back again from the conferees.

Mr. DUNBAR. Will the gentleman yield?

Mr. KENNEDY of Iowa. I yield to the gentleman.

Mr. DUNBAR. As I understand it there is an unexpended balance of \$5,000,000 available for the construction of locks and dams in the Ohio River.

Mr. KENNEDY of Iowa. There was more than \$9,000,000 available on the 1st of April for lock and dam construction work on the Ohio River.

Mr. DUNBAR. More than \$9,000,000?

Mr. KENNEDY of Iowa. More than \$9,000,000.

Mr. DUNBAR. And during the coming fiscal year it will be impossible for the War Department, under the ordinary conditions which exist on that river, to spend more than that \$9,000,000.

Mr. KENNEDY of Iowa. If I were giving a guess, I should say there would be more than half of it left at the end of the nine months' period, March 4, 1921.

Mr. DUNBAR. So that under the reduced appropriation which will be effected by your bill the improvement of the Ohio River in the construction of locks and dams will be retarded in no way.

Mr. KENNEDY of Iowa. The gentleman is correct.

Mr. DUNBAR. And the work will be prosecuted to the fullest extent, so far as the engineers of the War Department find it possible to go ahead with the work.

Mr. KENNEDY of Iowa. I think that is correct.

Mr. OGDEN. Is that the opinion of Col. Taylor?

Mr. KENNEDY of Iowa. That is my understanding. Last year they were tied up on account of high water. When the stage of the water is such that they can work, they lose no time.

Mr. DEMPSEY. Col. Taylor testified particularly as to this river work, and said it was limited only by the available plants, that they were using every plant that was in there and they could not induce contractors to move in with new plants because of the great expense of moving the plant, and because of the great volume of work offered the contractors throughout the Nation. In other words, every plant is busy to its full capacity and, as the chairman says, I do not believe you can expend half the money available for that project.

Mr. OGDEN. I will say to the gentleman that it is the purpose of Louisville to erect a pier, and it is dependent on these projects being completed and this work going forward. If the appropriation is not sufficient to permit the work to go forward it will discourage the municipal work that is contemplated.

Mr. KENNEDY of Iowa. I do not think the gentleman need have any fear on that score.

Mr. MONDELL. Will the gentleman yield me five minutes?

Mr. KENNEDY of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I think we ought to thoroughly understand the situation before this bill goes back to conference. The House provided a general appropriation of \$12,000,000 for river and harbor work. The House passed a "porkless" river and harbor bill. The bill went to the Senate and the lump-sum appropriation of \$12,000,000 was increased to \$20,000,000. The House conferees were anxious to learn from the Senate conferees the reason for that increase. What was their surprise to find that not only was there no more reason for that increased appropriation than appeared when the bill was considered by the House, but that as time had passed during the interval conditions had been such that a much smaller amount of money had been contracted and spent than was anticipated.

Mr. DEMPSEY. Will the gentleman yield?

Mr. MONDELL. Yes.



Mr. DEMPSEY. To make that definite, let me say that the estimated expense was \$5,000,000 a month, and when we got the report for the period elapsed it turned out to be less than two and one-half millions a month. The Senate had the information that there would be thirteen millions on hand on the 1st day of July, and it turned out to be the fact that there will be \$52,000,000 entirely aside from the appropriation in this bill.

Mr. MONDELL. In other words, the Senate added \$8,000,000 to this bill by reason of misinformation. Eight million dollars, wholly unnecessary, added to the bill; \$8,000,000 that could not be used. As a matter of fact, unless conditions shall change and a much larger sum be spent per month than has been recently or is likely to be spent in the future, there will be a considerable sum left at the end of the fiscal year, even with the \$12,000,000 appropriation.

I realize that gentlemen who live in regions where there are river and harbor improvements are constantly importuned by boards of trade, chambers of commerce, and interested citizens to boost appropriations in the hope that by so doing their communities will secure a larger expenditure. And unfortunately such citizens at home are sometimes disposed to assert their opinions in the matter against that of the Representative who is much better informed. They thus place gentlemen in a somewhat embarrassing position at home.

Let me suggest to these gentlemen who are somewhat worried by these importunities from home that the attitude for them to take is this: That we are not only appropriating in the bill as it passed the House all the money that can be used, taken together with the sums available in the Treasury, but we are appropriating more than can be used economically or advantageously, more than will be used from present appearances, and that therefore in urging further appropriations they would not be helping their constituents or their cause. They would simply be urging the House to appropriate sums that are not necessary, to increase appropriations beyond what is needed, when the Treasury is already burdened with enormous appropriations, when our expenditures exceed our income.

No gentleman wants to be in that position, and gentlemen will be in a much better position at home, in my opinion, if they will tell their constituents what the situation is—a situation which is entirely satisfactory as it stands with the appropriation made by the House.

The House is not in favor of increasing this sum a dollar, and that ought to be understood. If there was any question about its not being understood, I should be inclined to insist on instructions, but I think it is a more satisfactory proceeding for the House to further insist on its disagreement. I believe that the Senate will yield, that it expects to yield, and that it knows that it ought to yield.

Mr. KENNEDY of Iowa. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. KENNEDY of Iowa. Now, Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 1 and agree to the conference asked for, and on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Iowa that the House further insist on its disagreement to Senate amendment No. 1 and agree to the conference asked for.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. KENNEDY of Iowa, Mr. DEMPSEY, and Mr. GALLAGHER.

#### GENERAL DEFICIENCY BILL.

Mr. GOOD, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 14335) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, for prior fiscal years, and for other purposes, which was read a first and second time and referred, with accompanying papers, to the Committee of the Whole House on the state of the Union.

Mr. GARD reserved all points of order.

#### PERRY L. HAYNES.

Mr. MERRITT. Mr. Speaker, I call up the bill (H. R. 1309) for the relief of Perry L. Haynes, on the Speaker's table, with the Senate amendment thereto, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Connecticut calls up the bill (H. R. 1309) for the relief of Perry L. Haynes, with a Senate amendment thereto, which the Clerk will report.

The Clerk reported the Senate amendment.

Mr. GARD. Mr. Speaker, I think we ought to have the bill reported.

Mr. MANN of Illinois. That can be done only by unanimous consent.

The SPEAKER. That is true. The gentleman from Ohio asks unanimous consent that the bill be again reported. Is there objection?

There was no objection.

The Clerk reported the bill.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. GARD. Is this the case of the lieutenant who was held responsible for some money intrusted to a subordinate?

Mr. MERRITT. Yes; and the Senate passed the bill and inserted the phrase "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### BRIDGE ACROSS ROCK RIVER, ILL.

Mr. McKENZIE. Mr. Speaker, I call up the bill (S. 4431) to authorize the construction of a bridge across the Rock River in Lee County, State of Illinois, at or near the city of Dixon, in said county, which I send to the desk and ask to have read, a similar House bill having been reported favorably from the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Illinois calls up Senate bill 4431, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Illinois Central Railroad Co., a corporation organized under the laws of the State of Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rock River at a point suitable to the interests of navigation, at or near the city of Dixon, in Lee County, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GARD. Mr. Speaker, do I understand that this is a Senate bill?

Mr. McKENZIE. Yes.

Mr. GARD. And that a similar bill is on the House Calendar?

Mr. McKENZIE. Yes; a similar House bill has been reported favorably from the Committee on Interstate and Foreign Commerce.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. McKENZIE, a motion to reconsider the vote by which the bill was passed was laid on the table.

On motion of Mr. McKENZIE, a similar House bill, H. R. 14150, was ordered to lie on the table.

#### ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill (H. R. 13931) to authorize the Association of Producers of Agricultural Products for further consideration by the House under the rule.

The SPEAKER. The gentleman from Minnesota calls up for further consideration the bill H. R. 13931, which the Clerk will report.

The Clerk reported the title of the bill.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MANN of Illinois. In section 2 of the bill, on page 3, there is provision that the Secretary of Agriculture shall file in the district court in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and also that he shall give notice to the Attorney General and to said association of such filing. Who will be in charge of that litigation for the Government, the Attorney General or the attorney for the Department of Agriculture?

Mr. VOLSTEAD. The Department of Justice shall have charge of such order.

Mr. SABATH. Mr. Speaker, this is a very important bill, and I think the House is entitled to hear the explanation of it by the gentleman from Minnesota. For that reason I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. VOLSTEAD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

|                 |                  |                |                |
|-----------------|------------------|----------------|----------------|
| Almon           | Drewry           | Kahn           | Rayburn        |
| Andrews, Md.    | Eagan            | Kelly, Pa.     | Reber          |
| Anthony         | Eagle            | Kendall        | Riordan        |
| Bacharach       | Edmonds          | Kennedy, R. I. | Rowan          |
| Baer            | Elliott          | Kettner        | Rucker         |
| Bell            | Ellsworth        | Kiess          | Sanders, La.   |
| Benham          | Eiston           | Kitchin        | Scully         |
| Booher          | Emerson          | Klecza         | Sears          |
| Bowers          | Evans, Nev.      | Kreider        | Sells          |
| Brinson         | Ferris           | Langley        | Sherwood       |
| Britten         | Fisher           | Lankford       | Shreve         |
| Brumbaugh       | Fuller, Mass.    | Lazaro         | Sisson         |
| Burke           | Gallivan         | Leibach        | Slemp          |
| Byrnes, S. C.   | Garland          | Leshner        | Small          |
| Campbell, Kans. | Godwin, N. C.    | Linthicum      | Smith, Ill.    |
| Campbell, Pa.   | Goldfogle        | Little         | Smith, Mich.   |
| Cantrill        | Goodall          | McClintic      | Smith, N. Y.   |
| Caraway         | Gould            | McCulloch      | Smithwick      |
| Carter          | Graham, Pa.      | McKinley       | Snyder         |
| Casey           | Greene, Mass.    | McLane         | Steele         |
| Clark, Fla.     | Griest           | MacCrate       | Strong, Pa.    |
| Clark, Mo.      | Griffin          | Mansfield      | Sullivan       |
| Cole            | Hamill           | Mason          | Tague          |
| Cooper          | Hardy, Colo.     | Merritt        | Taylor, Colo.  |
| Copley          | Hardy, Tex.      | Moore, Ohio    | Taylor, Tenn.  |
| Costello        | Harrell          | Morin          | Thomas         |
| Crowther        | Hastings         | Mott           | Tillman        |
| Curry, Calif.   | Haugen           | Mudd           | Tinkham        |
| Dale            | Hayden           | Nelson, Wis.   | Venable        |
| Darrow          | Hernandez        | Nicholls       | Watson         |
| Davey           | Hill             | O'Connor       | Williams       |
| Dempsey         | Houghton         | Olney          | Wilson, Ill.   |
| Denison         | Hullings         | Osborne        | Wingo          |
| Dent            | Hutchinson       | Paige          | Wood, Ind.     |
| Dewalt          | Ireland          | Porter         | Yates          |
| Doelling        | Johnson, S. Dak. | Radcliffe      | Young, N. Dak. |
| Doremus         | Johnston, N. Y.  | Ramsayer       | Zihlman        |
| Drane           | Juul             | Randall, Wis.  |                |

The SPEAKER pro tempore (Mr. MACGREGOR). On this vote 279 Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. LONGWORTH. Will the gentleman from Minnesota yield for a moment? I desire to ask some questions. I can postpone them or ask them now, as the gentleman prefers.

Mr. VOLSTEAD. Mr. Speaker—

Mr. LONGWORTH. Does the gentleman prefer to yield now or would the gentleman prefer to postpone the questions?

Mr. VOLSTEAD. I will use a little time to explain the bill first. Mr. Speaker, I ask that when five minutes are up I be notified. This bill seeks to give to the farmers the right to organize to sell the products of their own members. The first section is modeled upon the ordinary statute authorizing the creation of corporations. Instead of providing that any individual may become a member of a corporation upon conforming to certain regulations, this provides that the farmers may become members of certain associations, which are described and limited so as to make them actually cooperative associations for the purpose of aiding and assisting their respective members in the marketing of the crops that they produce.

Mr. PELL. Will the gentleman yield?

Mr. VOLSTEAD. No; my time will not permit it. In the Clayton Antitrust Act there is a provision authorizing associations of this kind, but they are limited so that they can not have capital stock or be organized for profit.

Mr. MOORE of Virginia. Will the gentleman permit me to ask him a question?

Mr. VOLSTEAD. I yield.

Mr. MOORE of Virginia. The present law—the Clayton antitrust law—relieves associations of agriculture not having capital stock. Why should we disturb that law; why should not this bill be confined altogether to prospective agricultural associations that are to have capital stock?

Mr. VOLSTEAD. Well, personally, I would not have any objection to that, although, as we are granting these associations much larger powers than they had under the Clayton Antitrust Act, it was thought that they ought to be put under some supervision, because there has been complaint against some of these associations, and it was for that reason section 2 was drawn. That section is modeled largely upon some of the provisions of the Clayton Antitrust Act.

Mr. MOORE of Virginia. May I suggest this to the gentleman, if I do not disturb him: To make section 2 apply to all associations, whether having or not having capital stock, would place a limitation and restriction which the Clayton law does not now contain upon the associations that have no capital stock.

Mr. VOLSTEAD. That is disputed. The contention is that these associations, if they are organized for the purpose of

carrying on any business, so as to give a profit to their members, are subject to the Sherman law. That is one of the contentions that is being urged against these associations, and it is for that reason that they are asking for legislation of this kind. Now, a great many of these associations have been consulted in reference to this bill and so far as I know they are all favorable to it, and it seems to me that the situation demands that we pass something of this kind with or without the amendment suggested.

Mr. JONES of Texas. Will the gentleman yield?

Mr. VOLSTEAD. I can not yield any further. I want to say to you that in the various European countries farm associations are permitted to do the very thing we seek to authorize under this bill, and it seems to me that America ought not to lag behind in this respect. They are being authorized in a great many of the States in this country, but when they come in contact with interstate commerce they run up against threats that they are subject to prosecution under the Sherman Antitrust Act. It is necessary for them at least to have some capital on which to do business, and to make some profit that they can save for the purpose of taking care of losses that are always incident to any business, and it seems to me that we ought to give them this right. The provision in the bill that the profit must not exceed 8 per cent is intended to protect the farmers. It is designed to compel the officers of these associations to pay the proceeds from the products of the members to the members, to the farmers. Some of them insist that the dividend should not exceed 5 or 6 per cent instead of 8 per cent. These associations should make money for the members and not for the association. In these days of high money rates it was thought necessary to make the rate 8 per cent, otherwise it might not be possible to get the necessary money to do business.

The SPEAKER. The gentleman has used five minutes.

Mr. IGEOE. Mr. Speaker, I yield to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I ask leave to extend my remarks in the Record on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

Mr. IGEOE. Mr. Speaker, I yield eight minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker and gentlemen, I fully realize in view of your past performances, it matters not what I or any other Member coming from a city may say about the unfairness of this bill, that it will be enacted, but, nevertheless, I can not refrain from calling your attention to the fact that I believe it is the most iniquitous piece of legislation that has ever been attempted to be passed by Congress.

Mr. KING. Will the gentleman yield?

Mr. SABATH. Yes; I yield.

Mr. KING. Does the gentleman think the farmers are not entitled to make 8 per cent by holding goods if the present holders are making 200, 300, and 400 per cent in the cities of Chicago and New York?

Mr. HUMPHREYS. Why limit it to 8 per cent?

Mr. SABATH. I fully agree with the gentleman from Illinois that the farmer is entitled to make 8 per cent, and I am willing that he should make 10 or even 20 per cent, but I am against his making 50 or 100 per cent. I am not any more against the farmer than I am against any other set of profiteers who are robbing the American public.

I am ready with you, sir [Mr. KING of Illinois], or you [Mr. HUMPHREYS of Mississippi], to vote to-day or any day for any bill that will force and enable the Department of Justice to stop the profiteering that is going on on the part of various combinations and special corporate interests. I grant you that they are manipulators who have made and are to-day making unreasonably high profits, but two wrongs do not make a right.

Mr. Speaker, I am satisfied that I am not overstating when I say that 99 per cent of the American people condemn the action of the Wall Street manipulators, trusts, and combinations who have, due to secret manipulations, increased the cost of all commodities and necessities of life. I and many other Members have frequently pointed out the gouging on the part of these profiteers and the thievery they are perpetrating upon the consuming American public, and have urged criminal prosecution against them. We have bills and resolutions pending demanding the investigation and prosecution of the steel, lumber, cement, glass, paper, woolen, cotton, sugar, and many other combinations which you have refused to report, but instead of passing a bill that would put an end to this connivance and robbery you are going to vote for a bill that not only authorizes and legalizes but forces the formation of combinations, not for the purpose of lowering the present high cost of



living or encouraging production, as has been stated by some of you Republican Members, but for the purpose of increasing prices and legalizing outrageous profiteering.

Mr. Speaker, President Wilson has repeatedly recommended and requested that you enact legislation strengthening the hands of the Department of Justice to enable it to prosecute the profiteers, but no action has been taken on your part to this day. Nevertheless every day some of you Republican gentlemen, for the purpose of home consumption, will rise and inquire what the Department of Justice is doing to bring down the high cost of living, but you have failed to give the Attorney General the legislation or the funds which would enable him doing so. It is the Republican Party and the interests you are serving that are responsible and you will not succeed in placing the blame on the President or the Democratic Party as you have planned.

The President has recommended the repeal of war measures, and has recommended the enactment of many reconstructive laws, but you have failed to act. The President recommended the repeal of war-time prohibition, but instead you have enacted the outrageous Volstead prohibition act. The President has pleaded for your cooperation in the adoption of the treaty of peace which was approved by every nation, including Germany and Austria, which would mean peace and happiness to the world, but for political expediency you have refused to ratify same.

Mr. Speaker, by this bill you invite the farmer, the planter, and fruit grower to plant a small crop and secure as large a price as he will choose to charge for any of his product, giving the right to the ranchman to set the prices for his stock and, through the authorization, enter into an agreement with the packers as to the price of hogs, cattle, sheep, and so forth, and they in turn will be at liberty to continue to exact as much for meat and meat products as the public will stand for. You are authorizing the vicious system on the part of the dairymen to sell their milk only to those distributors that will pledge themselves to charge outrageous prices agreed upon months in advance. In fact, if this bill is enacted into law, it will enable the farmers and planters of this country to have the full power to exact any price the combination or organization chooses to charge. I am fearful that the 75,000,000 American people who do not belong to the farmers or other millions will not stand this continuous, terrific increase in the cost of living and will not continue to tolerate this special class legislation, which is so unfair and iniquitous to them. They may sooner than you expect realize their strength and power and drive you from control, electing men who will not be swayed and controlled by special interests or who are blind and deaf to justice, righteousness, and fair play. [Applause.]

Mr. Speaker, I have been and am now against special legislation. I have been and am for equal rights to all and special privileges to none. Unfortunately for the people, that principle and policy are not known to the Republican majority now in control, as all they have done, outside of the consideration of the appropriation bills, is to legislate for the special interests. You have given the railroad barons \$300,000,000 of the people's money out of the Treasury of the United States, and in addition you have also authorized them to increase the freight rates 33 per cent, which will mean an additional tax on the public of \$1,000,000,000 a year, or \$10 on every man, woman, and child in the United States. You have legislated for the contractors by making it possible for them to mulct the country of hundreds of millions of dollars. Only the other day you had another bill—which I am pleased I aided in defeating—wherein you endeavored to vote another \$25,000,000 to the wooden-ship builders' combination. On Friday last you passed a bill exempting from taxation millions of dollars worth of Liberty bonds which have been bought up at 82 cents on the dollar by the Wall Street speculators and large banks. Instead of enacting a real bonus bill, as requested by the soldiers, you passed a bonus bill that will come to plague you, and, instead of imposing a tax on the war profiteers to raise the needed revenue, you again place a burden on the masses by imposing a tax on cigars, cigarettes, and tobaccos. You have failed to equalize and revise the war-revenue act.

You have up to this late hour failed to provide a living wage for the thousands of Government employees, who are forced to leave the service, thereby impairing the efficiency of every branch of our Government, and all under the false pretense of economy, following the penny-wise and pound-foolish policy, but hoping that you will be able to go before the people with a cry of economy, when, in fact, for every dollar you have taken away from the departments you have given \$10 to the railroads and contractors of this country.

You may be able to fool some, but you can not fool the majority of the people. They know that the Democratic Party is not responsible for the high cost of living, but that it is due to manipulation on the part of combinations, the money changers, and others, nearly all of whom are part and parcel of the Republican Party, and who, as the Senate investigation into the expenditures of the presidential candidates is disclosing, have already contributed hundreds of thousands of dollars to the different Republican candidates and who are ready to contribute millions more for the election. People know that these interests do not expend millions to help to elect a man who would be unfavorable to them, but, on the contrary, before they will let go of any of their ill-gotten fortunes they must have positive assurance that he will do their bidding and give them the protection they desire—and will have at any cost. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. IGOE. Mr. Speaker, if I may be permitted, I think the gentleman from Tennessee [Mr. Moon] wanted to ask for recognition.

Mr. MOON. Mr. Speaker, the Joint Commission on the Postal Salaries, appointed under an act of Congress, is about ready to make a preliminary report accompanied by a bill.

The SPEAKER. The Chair will state that by the rules debate is limited to this bill.

Mr. MOON. I am not going to introduce it now. The Speaker does not understand me. If he will wait a moment, I will make myself plain.

The SPEAKER. Of course, this comes out of the time of the gentleman from Missouri.

Mr. MOON. I am going to take just half a minute in which to make a request. We will be ready in a few hours to report, but we are afraid that Congress may adjourn to-day before we get the report in. It is a matter of importance, and I have been directed to make the report and introduce the bill, and I now ask unanimous consent that we may be permitted at any time up to 12 o'clock to-night to file the report and introduce the bill, and that for the information of the House the report be printed in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that he may have until midnight to introduce the report of the Postal Commission, and that the report may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The report referred to is as follows:

[House Report No. 1072, Sixty-sixth Congress, second session.]

Mr. Moon, from the Joint Commission on Postal Salaries, submitted the following preliminary report:

To the Senate and House of Representatives of the United States in Congress assembled:

The Joint Commission on Postal Salaries authorized by section 3 of an act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," respectfully submits this preliminary report, together with the draft of a bill, to the Congress.

The commission was directed "to investigate the salaries of postmasters and employees of the Postal Service with a view to the reclassification and readjustment of such salaries on an equitable basis."

The commission discovered at the outset that various laws contained in Post Office appropriation bills and in special acts of Congress and the regulations prescribed by the Post Office Department affecting the compensation of postmasters and postal employees had not been separately compiled since the publication of the Postal Laws and Regulations in 1913, except as contained in the annual Postal Guide and supplements thereto. Legislation with reference to salaries in the Postal Service has in recent years been amended in almost every particular modifying the method of compensation and the amount paid for practically all classes of postal employees with the exception of first and second class postmasters. Considerable time and labor was expended in the compilation of all such laws and regulations made pursuant thereto and brought to date for ready reference and use of the commission, including the current law, except the temporary increases provided in House joint resolution 151, effective November 6, 1919.

The commission conducted extended hearings in New York, Boston, Chicago, St. Paul, Cincinnati, Washington, Atlanta, New Orleans, Memphis, Kansas City, and St. Louis, at which points employees from the immediate and adjacent States submitted testimony and briefs respecting salaries and the necessity for equitable readjustment and reclassification. Members of the commission have also spent considerable time personally inspecting conditions and the nature and character of duties performed by the various groups of employees in the larger post offices, postal stations, in railway mail cars and terminals. The commission feels that thereby it has been enabled to arrive at more correct conclusions respecting a fair adjustment of salaries in the Postal Service.

For the purpose of the hearings employees were grouped as follows: Carriers in the City Delivery Service.

Clerks at first and second class post offices.

Rural carriers.

Railway postal clerks.

Supervisory officials, including special clerks in first and second class post offices.

Watchmen, messengers, and laborers.

Printers, mechanics, and chauffeurs.

Village delivery carriers.

Special delivery messengers.

Post-office inspectors.  
Supervisory officials in the Railway Mail Service.  
First-class postmasters.  
Second-class postmasters.  
Third-class postmasters.  
Fourth-class postmasters.

Separate hearings were conducted in Washington for first-class postmasters, officials in the post office inspection service, supervisory officials in the Railway Mail Service, and one or two other smaller groups.

The hearings were confined to employees actually in the service. The various groups mentioned above at each of the points selected their own spokesmen. Individual employees were permitted to and have filed a number of statements in their own behalf. Considerable interest was manifested at the various hearings, which were well attended by postal men and an immense amount of information and data submitted amounting to 2,420 printed pages, which have been helpful and valuable to the commission in the extended study given to the subject.

Early in the investigation questionnaires were prepared and distributed to 14 groups of employees as follows:

1. Clerks in first and second class post offices.
2. Letter carriers in the City Delivery Service.
3. Supervisory employees, including special clerks, at first and second class post offices.
4. Printers, mechanics, watchmen, messengers, and laborers.
5. Rural delivery carriers.
6. Third-class postmasters.
7. Second-class postmasters.
8. First-class postmasters.
9. Terminal and transfer clerks, Railway Mail Service.
10. Railway postal clerks.
11. Village delivery carriers.
12. Post-office inspectors.
13. Clerks in offices of inspectors in charge.
14. Fourth-class postmasters.

The questionnaires called for specific data and information not otherwise obtainable. More than 125,000 questionnaires were returned, which have been carefully analyzed and tabulated. A study of the analyses of the questionnaires discloses valuable and interesting information, worthy of preservation for reference in connection with future legislation affecting the Postal Service. This information will be presented in a subsequent report.

The commission has heard 537 witnesses and in addition a large number of written statements and briefs appear in the printed copies of the hearings. For the first time in the history of the Postal Service its employees and officials have been permitted to present personally their own views and reasons for needed legislation affecting the service.

In a further effort to have the benefit of suggestions from practical experienced men, about 25 postal experts were selected from various groups of postal employees, including clerks at first and second class post offices, carriers in the City Delivery Service, supervisory officials in first and second class post offices, railway postal and terminal clerks, rural delivery carriers, first-class postmasters, second-class postmasters, third-class postmasters, fourth-class postmasters, post-office inspectors, and supervisory officials of the Railway Mail Service.

They were directed to report in Washington on March 29, 1920. They had previously been provided with copies of the testimony presented to the commission, and were directed to submit for the consideration of the commission a tentative schedule of salary adjustments, with proper regard for the relative importance of each group to other groups and to the entire service, together with suggestions for a proper salary scale for each of the various groups of postal employees. This committee was in continuous session, at work night and day, for 10 days, and, with two or three exceptions, submitted a unanimous report, which has been helpful and valuable in arriving at just and proper conclusions respecting adequate and equitable salary adjustments in the Postal Service. This report was thereupon submitted to representatives of some of the groups of postal men who desired to be heard and to officials of the Post Office Department. The latter were invited, and have submitted, along with oral statements, written recommendations and suggestions, both with reference to the conclusions of the committee of postal experts and to the general subject of the investigation.

Hearings were concluded on April 23, 1920, since which date the commission has been in session almost daily in consideration and in the preparation of a salary scale and adjustments of salaries in the Postal Service.

The magnitude of the investigation will be appreciated when it is remembered that the service is composed of approximately 300,000 employees, of which 39,148 clerks at first and second class post offices, 36,105 carriers in the City Delivery Service, 19,202 clerks in the Railway Mail Service, 666 first, 2,538 second, 7,849 third, and 41,645 fourth class postmasters, 42,210 rural delivery carriers, and approximately 5,000 supervisory employees, including foremen and special clerks.

After very careful and painstaking consideration of the numerous questions involved in an investigation affecting such a large number of persons employed in every town, city, and community in the United States and in Porto Rico, Hawaii, and Alaska, the commission presents this preliminary report and recommends what it believes to be just, equitable, and liberal provisions in the matter of compensation for postmasters and employees in the Postal Service.

The commission regrets that lack of time prevents the preparation of a comprehensive report with detailed information showing the history, growth, development, and salaries fixed from time to time with respect to the various groups of employees in the Postal Service. In a subsequent final report such information with regard to each branch of the Postal Service will be submitted.

The commission is unanimous in the recommendation to the Congress that legislation should be speedily enacted to the end that the compensation of postal men may be placed on an equitable basis, and if legislation is not enacted prior to the next fiscal year that when enacted it shall be effective as of July 1, 1920.

A number of employees are paid from lump-sum appropriations for whom no specific wage has heretofore been fixed and likewise is not fixed in the recommendations of the commission. When the law shall become effective the commission anticipates that the department will readjust the salaries of such employees to accord with the compensation recommended herein for those with similar and comparable duties and responsibilities.

Statement showing, by grades, the number of clerks at first and second class post offices and city carriers who resigned between July 1, 1919, and Mar. 31, 1920.

| Grades.      | Clerks.          |            | Carriers.        |            |
|--------------|------------------|------------|------------------|------------|
|              | Number in grade. | Re-signed. | Number in grade. | Re-signed. |
| \$1,200..... | 6,070            | 1,816      | 2,540            | 474        |
| \$1,300..... | 8,262            | 954        | 4,825            | 309        |
| \$1,400..... | 1,952            | 239        | 1,219            | 80         |
| \$1,450..... | 1,659            | 209        | 1,554            | 105        |
| \$1,550..... | 5,477            | 339        | 4,361            | 228        |
| \$1,650..... | 15,780           | 655        | 21,502           | 421        |
| \$1,750..... | 4,447            | 89         |                  |            |
| \$1,700..... | 172              | 4          | 7                |            |
| \$1,925..... | 3,299            | 45         |                  |            |
| \$2,025..... | 201              | 4          |                  |            |
| \$2,125..... | 201              | 4          |                  |            |
| \$2,300..... | 199              | 1          |                  |            |
| \$2,500..... | 73               | 2          |                  |            |
| \$2,520..... | 63               |            |                  |            |
| \$2,625..... | 39               |            |                  |            |
| \$2,730..... | 34               | 1          |                  |            |
| \$2,835..... | 25               | 1          |                  |            |
| \$3,150..... | 15               |            |                  |            |
| \$3,390..... | 10               |            |                  |            |
| Total.....   | 47,978           | 4,363      | 36,008           | 1,621      |

Resignations from the Railway Mail Service, July 1, 1919, to Mar. 31, 1920.

| Month.         | Year. | \$2,125 | \$2,025 | \$1,925 | \$1,825 | \$1,750 | \$1,650 |
|----------------|-------|---------|---------|---------|---------|---------|---------|
| July.....      | 1919  |         | 1       |         | 11      | 3       | 10      |
| August.....    | 1919  | 3       | 1       | 12      | 6       | 8       | 11      |
| September..... | 1919  | 2       | 1       | 14      | 4       | 6       | 23      |
| October.....   | 1919  | 3       |         | 19      | 5       | 3       | 28      |
| November.....  | 1919  | 3       | 3       | 27      | 6       | 11      | 12      |
| December.....  | 1919  | 4       | 2       | 14      | 7       | 7       | 22      |
| January.....   | 1920  | 6       | 3       | 10      | 3       | 3       | 7       |
| February.....  | 1920  |         |         | 10      | 2       | 5       | 13      |
| March.....     | 1920  | 5       | 3       | 39      | 2       | 15      | 25      |
| Total.....     |       | 26      | 14      | 145     | 46      | 61      | 151     |

| Month.         | \$1,550 | \$1,450 | \$1,400 | \$1,300 | \$900 | Joint. | Total. |
|----------------|---------|---------|---------|---------|-------|--------|--------|
| July.....      | 9       | 3       | 3       | 44      |       | 1      | 85     |
| August.....    | 12      | 1       | 17      | 54      | 1     | 1      | 127    |
| September..... | 5       | 3       | 27      | 61      | 4     |        | 150    |
| October.....   | 6       | 1       | 35      | 60      | 5     | 2      | 167    |
| November.....  | 4       |         | 30      | 48      | 4     |        | 148    |
| December.....  | 4       | 1       | 21      | 25      | 2     |        | 109    |
| January.....   | 3       |         | 14      | 24      | 1     |        | 74     |
| February.....  | 6       | 1       | 28      | 35      | 3     | 2      | 105    |
| March.....     | 2       |         | 31      | 56      | 7     | 1      | 186    |
| Total.....     | 51      | 10      | 206     | 407     | 27    | 7      | 1,151  |

Statement showing estimated increases and the annual rate of expenditures for salaries of regular employees under recommendations of Joint Commission on Postal Salaries, 1921.

|   |             |
|---|-------------|
| Clerks, first and second class offices.....               | \$8,665,550 |
| Special clerks.....                                       | 654,900     |
| City letter carriers.....                                 | 6,837,050   |
| Railway Mail Service.....                                 | 4,912,962   |
| Post-office inspectors.....                               | 326,900     |
| Clerks, division headquarters post-office inspectors..... | 32,050      |
| Rural Delivery Service.....                               | 5,650,000   |
| Postmasters:  |             |
| First-class offices.....                                  | 148,500     |
| Second-class offices.....                                 | 451,200     |
| Third-class offices.....                                  | 1,104,500   |
| Fourth-class offices.....                                 | 1,082,000   |
| Village delivery carriers.....                            | 99,750      |
| Assistant postmasters, second-class offices.....          | 1,013,975   |
| Clerk hire, third-class offices.....                      | 895,750     |
| Supervisory officers, first-class offices.....            | 2,500,000   |
| Total.....  | 34,375,087  |

The additional increases for the succeeding three years will average approximately \$3,700,000 per year.

The work of the joint commission was delayed for a period by the late illness and death of its able and distinguished chairman, Hon. John H. Bankhead, Senator from Alabama, the long-time chairman of the Committee on Post Offices and Post Roads, and whose great interest in the welfare of the employees in the Postal Service and in the needed readjustment of their salaries never faltered.

Respectfully submitted.

THOMAS STERLING.  
GEORGE H. MOSES.  
LAWRENCE C. PHIPPS.  
KENNETH MCKELLAR.  
EDWARD J. GAY.  
JOHN A. MOON.  
THOS. M. BELL.  
A. B. ROUSE.  
HALVOR STEENERSON.  
MARTIN B. MADDEN.



STATEMENT OF THE RECOMMENDATIONS CONTAINED IN THE PRELIMINARY REPORT OF THE JOINT COMMISSION ON POSTAL SALARIES.

Clerks at first and second class post offices and carriers in City Delivery Service, five grades: Grade 1, \$1,400; grade 2, \$1,500; grade 3, \$1,600; grade 4, \$1,700; grade 5, \$1,800.

Substitutes, temporaries, and auxiliaries, 60 cents per hour.

Credit for actual time served as substitute in advancement in grades when appointed regular clerk or carrier.

Special clerks, two grades, \$1,900 and \$2,000.

Printers, mechanics, and skilled laborers to be paid and promoted as clerks.

Watchmen, messengers, and laborers, two grades, \$1,350 and \$1,450.

Motor Vehicle Service to continue under lump-sum appropriation.

Railway Mail Service, six grades, as follows: Grade 1, \$1,600; grade 2, \$1,700; grade 3, \$1,850; grade 4, \$2,000; grade 5, \$2,150; grade 6, \$2,300.

Clerks to be in classes A and B: Railway post offices now in class A, terminal and transfer offices to be in class A; others in class B. Laborers in two grades, \$1,350 and \$1,450.

Progression for road clerks to grade 3 and to grade 4 for clerks in charge for class A, and to grade 5 for clerks and to grade 6 for clerks in charge in class B. Progression for terminal and transfer clerks to grade 3 when general scheme distribution not required and to grade 4 when general scheme distribution is required. Clerks in charge to grade 5 in terminals or tours or crews consisting of not more than 19 clerks or in transfer offices or tours in transfer offices of not more than 4 clerks, and to grade 6 in terminals or tours or crews in terminals of 20 or more clerks and in transfer offices or tours in transfer offices of 5 or more clerks.

Clerk in charge is defined as the clerk in charge of railway post offices, terminal or transfer offices, whether alone or in charge of a crew.

In division superintendents' offices all clerks progress to grade 3, four to grade 4, four to grade 5, four to grade 6, and in offices of chief clerks all clerks to grade 3, and one each to grades 4, 5, and 6. Progression for examiners to grade 5 and assistant examiners to grade 4. Substitutes to be paid as grade 1 clerks for actual service performed for one year and appointed unassigned clerk of grade 2 unless sooner appointed regular clerk.

Service of all clerks to be of an average of eight hours per day, 306 days per annum, including allowance for service during lay-off periods. Cash or compensatory time to be allowed for service in excess of eight hours.

Substitute and unassigned clerks to be credited with full time to and from official headquarters to an assignment, with travel allowance while on duty and also travel allowances while on duty on a line starting from official headquarters.

Division superintendents to be \$4,200; assistant division superintendents, \$3,200; two assistants, at \$3,100 each; and one in charge of car construction, \$3,000. Chief clerks, \$3,000; and assistant chief clerks, \$2,500; the heads of sections in such offices to be rated as assistant chief clerks.

Post-office inspectors to be divided into seven grades with progression to grade 5 and after one year's meritorious service to grade 6, and 20 per cent to grade 7 for specially meritorious service after one year's service in grade 6, as follows: Grade 1, \$2,300; grade 2, \$2,500; grade 3, \$2,700; grade 4, \$2,900; grade 5, \$3,200; grade 6, \$3,500; grade 7, \$3,700; inspector in charge, \$4,200.

Actual expenses not to exceed \$5 per day when absent from home domiciles and official headquarters.

Clerks at division headquarters post-office inspection service divided into six grades, with progression to grade 5 and one to grade 6, as follows: Grade 1, \$1,600; grade 2, \$1,700; grade 3, \$1,850; grade 4, \$2,000; grade 5, \$2,150; grade 6, \$2,300; chief clerk, \$2,600.

Substitutes are provided at offices of division headquarters post-office inspection service.

Rural delivery carriers, \$1,800 for 24 miles and \$30 for each mile in excess of 24 miles. Deductions for partial failure to perform service shall not exceed rate of pay per mile per day for 24 miles or less and likewise in excess of 24 miles.

Motor route carriers, 50 miles and over, not in excess of \$2,600 per annum.

Village delivery carriers, from \$1,000 to \$1,200, under regulations to be prescribed by the department.

Fourth-class postmasters, 140 per cent on cancellations of \$75 per quarter and less; 115 per cent from \$75 to \$100 of cancellations per quarter; and in excess of \$100 per quarter, 100 per cent on first \$100, 75 per cent on next \$100 or less, and 60 per cent on the remainder. When compensation amounts to \$1,000 and gross postal receipts amount to \$1,500 within one year, fourth-class offices shall be advanced to third class.

Third-class postmasters are increased \$300 from basic salaries each, the salaries ranging from \$1,000 to \$2,200. Clerk hire to be same as under present law, readjusted annually.

Second-class postmasters are increased from \$100 to \$300 each, the salary ranging from \$2,300 to \$3,000, and the grades according to gross receipts from \$8,000 to \$40,000, reduced from 10 to 8. Assistant postmasters to be in eight grades from \$1,800, with increases of \$50 in each grade to \$2,150.

First-class postmasters to be in 14 grades, with modified schedules in each grade according to gross receipts from \$40,000 to more than \$70,000. Increases range from \$200 to \$300 and \$400 where the salary is now \$3,600 and \$3,700, to \$400 and \$500 where the salary is now \$3,700 and \$3,800, and \$500 and \$600 where the salary is now \$3,900 and \$4,000. No increase is provided where the salary is now \$5,000 and over.

SUPERVISORY OFFICERS IN OFFICES OF THE FIRST CLASS.

The two-division plan is approved for all post offices except those where the receipts are in excess of \$20,000,000 per annum.

At offices of the first class, the annual salaries of employees, other than those of the clerical grades, shall be graded in even hundreds of dollars, based upon the postal receipts for the preceding calendar year at the post office in which they are employed, as follows:

|   |         |
|---|---------|
| Receipts \$40,000 but less than \$50,000: |         |
| Assistant postmaster                      | \$2,200 |
| Superintendent of mails                   | 2,100   |
| Receipts \$50,000 but less than \$60,000: |         |
| Assistant postmaster                      | 2,200   |
| Superintendent of mails                   | 2,100   |
| Receipts \$60,000 but less than \$75,000: |         |
| Assistant postmaster                      | 2,200   |
| Superintendent of mails                   | 2,100   |

|  |                               |
|--|-------------------------------|
| Receipts \$75,000 but less than \$90,000:        |                               |
| Assistant postmaster                             | \$2,300                       |
| Superintendent of mails                          | 2,200                         |
| Receipts \$90,000 but less than \$120,000:       |                               |
| Assistant postmaster                             | 2,400                         |
| Superintendent of mails                          | 2,300                         |
| Foreman  | 2,000                         |
| Receipts \$120,000 but less than \$150,000:      |                               |
| Assistant postmaster                             | 2,500                         |
| Superintendent of mails                          | 2,400                         |
| Foreman  | 2,000                         |
| Receipts \$150,000 but less than \$200,000:      |                               |
| Assistant postmaster                             | 2,600                         |
| Superintendent of mails                          | 2,500                         |
| Foreman  | 2,000                         |
| Receipts \$200,000 but less than \$250,000:      |                               |
| Assistant postmaster                             | 2,700                         |
| Superintendent of mails                          | 2,600                         |
| Foreman  | 2,000                         |
| Receipts \$250,000 but less than \$300,000:      |                               |
| Assistant postmaster                             | 2,800                         |
| Superintendent of mails                          | 2,700                         |
| Assistant superintendent of mails                | 2,200                         |
| Foreman  | 2,000                         |
| Receipts \$300,000 but less than \$400,000:      |                               |
| Assistant postmaster                             | 2,900                         |
| Superintendent of mails                          | 2,800                         |
| Assistant superintendents of mails               | 2,200                         |
| Foreman  | 2,000                         |
| Receipts \$400,000 but less than \$500,000:      |                               |
| Assistant postmaster                             | 3,000                         |
| Superintendent of mails                          | 2,900                         |
| Assistant superintendents of mails               | 2,200                         |
| Foreman  | 2,000                         |
| Receipts \$500,000 but less than \$600,000:      |                               |
| Assistant postmaster                             | 3,200                         |
| Superintendent of mails                          | 3,000                         |
| Assistant superintendents of mails               | 2,300                         |
| Foreman  | 2,000                         |
| Postal cashier                                   | 2,600                         |
| Money-order cashier                              | 2,300                         |
| Receipts \$600,000 but less than \$1,000,000:    |                               |
| Assistant postmaster                             | 3,400                         |
| Superintendent of mails                          | 3,200                         |
| Assistant superintendents of mails               | 2,500                         |
| Foremen  | 2,000-2,100                   |
| Postal cashier                                   | 2,800                         |
| Money-order cashier                              | 2,500                         |
| Receipts \$1,000,000 but less than \$2,000,000:  |                               |
| Assistant postmaster                             | 3,600                         |
| Superintendent of mails                          | 3,400                         |
| Assistant superintendents of mails               | 2,200-2,500-2,800             |
| Foremen  | 2,000-2,200                   |
| Postal cashier                                   | 3,000                         |
| Assistant cashiers                               | 2,300                         |
| Money-order cashiers                             | 2,700                         |
| Bookkeepers                                      | 2,000                         |
| Station examiners                                | 2,000                         |
| Receipts \$2,000,000 but less than \$3,000,000:  |                               |
| Assistant postmaster                             | 3,700                         |
| Superintendent of mails                          | 3,500                         |
| Assistant superintendents of mails               | 2,300-2,500-2,700-3,000       |
| Foremen  | 2,000-2,200                   |
| Postal cashier                                   | 3,100                         |
| Assistant cashiers                               | 2,200-2,400                   |
| Money-order cashier                              | 2,800                         |
| Bookkeepers                                      | 2,000-2,200                   |
| Station examiners                                | 2,300                         |
| Receipts \$3,000,000 but less than \$5,000,000:  |                               |
| Assistant postmaster                             | 3,800                         |
| Superintendent of mails                          | 3,600                         |
| Assistant superintendents of mails               | 2,300-2,500-2,800-3,200       |
| Foremen  | 2,000-2,200                   |
| Postal cashier                                   | 3,300                         |
| Assistant cashiers                               | 2,200-2,400-2,800             |
| Money-order cashiers                             | 2,000-2,200                   |
| Bookkeepers                                      | 2,000-2,200                   |
| Station examiners                                | 2,300-2,500                   |
| Receipts \$5,000,000 but less than \$7,000,000:  |                               |
| Assistant postmaster                             | 4,000                         |
| Superintendent of mails                          | 3,800                         |
| Assistant superintendents of mails               | 2,300-2,500-2,800-3,000-3,400 |
| Foremen  | 2,000-2,200                   |
| Postal cashier                                   | 3,500                         |
| Assistant cashiers                               | 2,200-2,600-2,800             |
| Money-order cashier                              | 3,200                         |
| Bookkeepers                                      | 2,000-2,200-2,300             |
| Station examiners                                | 2,300-2,500                   |
| Receipts \$7,000,000 but less than \$9,000,000:  |                               |
| Assistant postmaster                             | 4,300                         |
| Superintendent of mails                          | 4,000                         |
| Assistant superintendents of mails               | 2,300                         |
| Foremen  | 2,500-2,800-3,200-3,600       |
| Postal cashier                                   | 2,000-2,200                   |
| Assistant cashiers                               | 3,700                         |
| Money-order cashier                              | 2,300-2,500-2,800-3,000       |
| Bookkeepers                                      | 3,300                         |
| Station examiners                                | 2,000-2,200-2,300             |
| Receipts \$9,000,000 but less than \$20,000,000: |                               |
| Assistant postmaster                             | 4,500                         |
| Superintendent of mails                          | 4,200                         |
| Assistant superintendents of mails               | 2,400-2,500                   |
| Foremen  | 2,800-3,200-3,400-3,800       |
| Postal cashier                                   | 2,000-2,200-2,300             |
| Assistant cashiers                               | 3,800                         |
| Money-order cashier                              | 2,300-2,500-2,800-3,000       |
| Bookkeepers                                      | 3,400                         |
| Station examiners                                | 2,000-2,200-2,300-2,500       |
| Receipts \$20,000,000 and upward:                |                               |
| Assistant postmaster                             | 4,600                         |
| Superintendent of mails                          | 4,400                         |

Receipts \$20,000,000 and upward—Continued.

|   |                               |
|---|-------------------------------|
| Assistant superintendent of mails                                 | \$2,400-                      |
| Superintendent of delivery  | 2,600-2,800-3,200-3,600-3,800 |
| Assistant superintendents of delivery                             | 4,400                         |
| Foremen   | 2,600-2,800-3,200-3,600-3,800 |
| Superintendent of registry  | 2,000-2,200-2,400             |
| Assistant superintendents of registry                             | 4,000                         |
| Superintendent of money order                                     | 2,400-2,600-2,800-3,200       |
| Assistant superintendent of money order                           | 4,000                         |
| Auditor   | 3,000                         |
| Postal cashier  | 3,600                         |
| Assistant cashiers  | 4,000                         |
| Money-order cashier   | 2,300-2,500-2,800-3,000-3,200 |
| Bookkeepers   | 3,600                         |
| Station examiners   | 2,100-2,300-2,500-3,000       |
| Station superintendents to be divided into 10 grades, as follows: | 2,300-2,500                   |
| 4 and not over 6 employees  | \$2,100                       |
| 7 and not over 18 employees                                       | 2,200                         |
| 19 and not over 32 employees                                      | 2,300                         |
| 33 and not over 44 employees                                      | 2,400                         |
| 45 and not over 64 employees                                      | 2,500                         |
| 65 and not over 90 employees                                      | 2,600                         |
| 91 and not over 120 employees                                     | 2,700                         |
| 121 and not over 150 employees                                    | 2,800                         |
| 151 and not over 350 employees                                    | 3,000                         |
| 351 employees and over  | 3,200                         |

An assistant superintendent of stations may be appointed, as follows:

|                                     |         |
|-------------------------------------|---------|
| 65 and not exceeding 90 employees   | \$2,200 |
| 91 and not exceeding 120 employees  | 2,300   |
| 121 and not exceeding 150 employees | 2,400   |
| 151 and not exceeding 350 employees | 2,600   |
| 351 and over                        | 2,800   |

In addition to the number of regular employees assigned to a delivery station each \$100,000 receipts to be considered one employee, and at finance stations \$25,000 to be considered one employee. At stations less than four employees and less than \$100,000 receipts the salary to be not more than a special clerk.

Not more than one assistant superintendent of mails, of delivery, of registry, and cashier shall receive the maximum salary provided, except where the receipts are \$9,000,000 and less than \$20,000,000, where two assistant superintendents of mails shall be appointed at the maximum, one to be in charge of delivery.

In offices designated State depositories and central accounting where the receipts are less than \$500,000 the employee directly in charge of the work to be paid \$200 additional, and \$200 additional for the cashier in such offices where a postal cashier is provided.

#### GENERAL PROVISIONS.

Fifteen days' annual leave for all employees, with pay, and sick leave 10 days each year, to be cumulative for three years, but no sick leave granted with pay for more than 30 days in any one year.

Restoration to grade after reduction in salary shall not be construed as promotion within the law prohibiting advancement of more than one grade in one year.

Payment in money for holiday and Sunday service is denied, and compensatory time for such service must be taken within six days next succeeding Sunday service and 30 days succeeding holiday service.

Promotions in salary after July 1, 1921, to be not more than \$300 per annum, except when appointed postmaster, inspector in charge, or superintendent in Railway Mail Service.

Mr. IGOE. Mr. Speaker, I hope that will not be taken out of my time. I think it is of sufficient importance outside of that. I yield 10 minutes to the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. Mr. Speaker, a good deal has been said about the existence of European statutes which permit the doing in European countries of the things which are sought to be done under the provisions of this bill. I have not any desire or any right to question the statement of the gentlemen who have said that exactly the same thing can be done in European countries which they are seeking to accomplish under the provisions of this bill. But those statutes are not before us, and I doubt very much if there is any legislation which allows the doing of this thing in the way in which it is proposed to be done here. And if there is any such legislation, then I believe it is very bad legislation, and we should not adopt it in this country.

Mr. KING. Will the gentleman yield?

Mr. HUSTED. I have only a few minutes. I would rather yield later.

Mr. KING. When you get through.

Mr. HUSTED. This bill is the substitute for the Capper-Hersman bill, upon which we had a number of hearings in the Committee on the Judiciary. I attended those hearings and listened very attentively to the statements of the representatives of the various farmer organizations that appeared there. I became convinced, as the result of those hearings, that the object sought to be accomplished by this bill was not the reduction of the cost of distributing the products, because they admitted that they did not intend to do away with the middleman, but the object was to enable farmers to organize in order to get better prices. That was what they wanted, and that was what they were quite frank in asserting they wanted. They said that the farmers were at a disadvantage in dealing with the men who bought their products, and that this legislation should be enacted in order to enable them to be on better terms in dealing with the large corporations that bought food products. Now, the object of this bill is to enable farmers to associate

themselves together and have a common selling agency. There is absolutely no limitation upon any price they may charge, unless the Secretary of Agriculture sees fit to hold that they have unduly enhanced the price of some product, either by restricting competition or by restraining trade.

Mr. GRAHAM of Illinois. I want to ask the gentleman one question there. Is that remedy in the Secretary of Agriculture exclusively, in your judgment?

Mr. HUSTED. That remedy is in the Secretary of Agriculture exclusively. If he does not move, absolutely nobody can move, and the bill does not give the individual, it does not give any association, any right to go into court and have these prices reviewed.

Mr. VOLSTEAD. Will the gentleman yield?

Mr. HUSTED. Certainly.

Mr. VOLSTEAD. Is it not a fact that these men may be prosecuted for combining or conspiring with any corporation to increase prices?

Mr. HUSTED. Oh, they can organize just as big an association as they want, and the bill expressly provides that they may fix prices, any law to the contrary notwithstanding. And that includes not only the Sherman Antitrust Act, but the Clayton Act and every other act that in any way, shape, or manner attempts to control prices.

Mr. VOLSTEAD. May I ask the gentleman if that same argument can not also be made against every corporation?

Mr. HUSTED. No; not that same argument. I am not altogether in love with the Sherman Antitrust Act. I believe that the Sherman Antitrust Act favors big aggregations of capital at the expense of the little man. I do not believe in any statute which puts a shackle upon production. The recent war proved that in order to secure production we had practically to make a dead letter of the Sherman Antitrust Act, and if there is anything that we need in this country to-day to bring back normal prices it is increased production. But I do not believe in class legislation, and I do not believe in taking one class of our citizens entirely out of the operations of the antitrust act and keeping other classes in, and then putting in one man, and one man alone, the power to control the prices of the necessities of life.

Mr. KING. Mr. Speaker, will the gentleman yield now for a moment?

Mr. HUSTED. I will.

Mr. KING. Did not the gentleman vote for the bill incorporating the Edge corporations, which repealed a part of the Sherman Antitrust Act and gave them the right to operate?

Mr. HUSTED. I was opposed to the Edge bill, and I spoke against it on the floor of the House.

Mr. KING. Let me ask the gentleman another question. This amounts to forestalling the market, does it not?

Mr. HUSTED. I do not know exactly what the gentleman means.

Mr. KING. The difference between the farmers being allowed to get 8 per cent and men getting 200 per cent by hoarding wool and food in the city of New York.

Mr. HUSTED. What the gentleman says shows that he has not the remotest idea of what this bill does, because he talks about the farmers getting 8 per cent. The 8 per cent provision is for the protection of the farmers in getting higher prices, and is not in the interest of the public in any degree whatever.

Mr. KING. Let the gentleman attack the New York profiteers in foodstuffs and clothing instead of the farmers.

Mr. HUSTED. All of the farmers have not money enough to furnish the capital stock of these associations in equal amounts. There are some rich farmers that can buy \$10,000 worth of stock, while another farmer may be able to buy \$1,000 worth, and perhaps another who is only capable of buying \$500 worth of the stock.

The bill provides that the association itself, as an association, shall not declare more than 8 per cent of dividends on its stock, and the object of that is to prevent the big farmer, who is able to put \$5,000, or \$10,000, or \$15,000 into the capital stock of one of these associations, from running away with the profits at the expense of the other farmers. But the power of price control of products is vested in the association by its ability to get the farmers together and agree that all the farmers that belong to this association shall not sell their potatoes, or their wheat, or any other agricultural product that the association deals in, at less than the price agreed upon in the association, and the power to sell those products for the common benefit of all is vested in this selling agency; and there is not any limit—any reasonable limit—to the price they could charge unless the Secretary of Agriculture should see fit to declare that they were charging an excessive price.



Now, what are the provisions in relation to that? In the first place, the Secretary of Agriculture has got to give the offending association at least 30 days' notice before he can take any action. Then, after he has taken action, the offending association can still operate for 30 days more and absolutely nothing can be done to it, and then the Secretary of Agriculture goes into court to get an order, an injunction, and that may take 30 days more. So that it is entirely possible that the association would have 90 days, a period of time amply long enough to market a crop, before a single thing could be done to it, and it is absolutely certain that it would have at least 60 days during which absolutely nothing could be done to it to stop it from selling its products at grossly excessive prices.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, I am very free to confess that I do not like legislation of this character. I have suggested a number of times to the House what I believe ought to be the legislation enacted to meet the existing agricultural situation. But I do not believe that this legislation is as dangerous as doing nothing.

Let us see what the situation is, and I suggest to my friends who live in the big cities that they ought to get out of their minds just as quickly as possible the idea that the economic problems of agriculture are of concern only to the man who farms. Out in the country live the agricultural producers; in the cities are the industrial producers. Each of these activities is bidding for the energy of every man and for the capital, every dollar of it, in the United States. The man who is running a manufacturing business is doing business, as compared with agriculture, upon a cost-plus basis. He charges into the price of his commodities the labor cost, whatever the price he must pay for labor, and every other item of cost in production. Do not forget that. Agriculture sells its product to the highest bidder in a restricted market. It sells in this sort of market at the price fixed by purchasers. You can readily appreciate the disadvantages of agriculture bidding against industry for any man's labor. The census reports show that, notwithstanding the fact that we have passed the danger line, we are now in the midst of the greatest residential and vocational migration sweeping in from the country upon the cities that has ever been known in the history of the ages.

Now, that means that right behind the problem of the high cost of living, gentlemen, widespread hunger is coming, and no man who has any sense can close his eyes to that. You can not maintain the balance in population as between the country and the city when you have one side tilted up by an economic advantage any more than you can control the level of water in a basin poised on a pivot unless there be equality of weight in the parts of the basin. And let us not forget that population is more fluid in this country to-day than it has ever been in the history of the world.

I repeat, this is not the right way to remedy the situation. But it is not so dangerous as doing nothing. What does this bill propose? It proposes to give the farmer the privilege of organizing and to give, under the supervision of the Secretary of Agriculture, the privilege of operating cooperatively for a profit to the joint venture of not more than 8 per cent, and thereby give to farmers a chance to make more profit than they make now. What is that? It means that we propose to help equip agriculture with the ability to bid sufficiently high for the necessary share of the productive energy of this country to enable it to raise enough food and clothing material to feed and clothe your bodies in the cities. That is all there is in it, and that is the only way it can be done.

It is foolishness to ask the country boy to go back to the farm unless the farm can bid as much for him as the factory bids. You might as well go down and appeal to the waters of the Potomac River to flow uphill, and expect them to do it because you tell them how beautiful the hills of Virginia are. It is all foolishness, and if you folks who live in big cities do not get this notion out of your heads, and if you do not help to make it possible for the American farmer to make enough money to hold his boys in the country against some automobile factory that is bidding to take them into the city, you will see, and that soon, crowds of hunger-crazed people surging through the streets of the big cities crying for bread, and anybody who has good sense ought to know it. I used to think that every big man in the city was a big man everywhere, but some of them are like the cucumbers which we boys used to put in glass bottles when they were little. They would grow and fill the bottle, but there was no cucumber on the

outside. They would just stay there and turn yellow and rot. [Laughter.]

I am not trying to appeal to prejudice. I am trying to appeal to your good sense and to your instincts of self-preservation. I represent a city which largely dominates my congressional district. I represent also a part of the great agricultural section of my State. This proposed legislation is regarded as a farmers' bill. It does deal with an economic problem of agriculture, but it is incomparably of more importance to those of my constituents who live in the cities than it is to those who live in the country. It is more important to those who must have these products to live than it is to those who sell them to get money.

I am not speaking extravagantly when I say that hunger is approaching the cities of America, and even now is nigh unto their gates.

There must be given to agriculture some compensatory advantage to offset the present economic advantage which industry holds by reason of the fact that it can write into the selling price which it fixes all cost of production plus a profit.

I do not like to vote for this sort of legislation any better than you gentlemen who are opposing it. But since you will not enact the measures which I have proposed, we are driven to this alternative. We are close to the gravest sort of food crisis in this country. This bill may provide some protection and help to hold against a worse situation until we can put into operation a real constructive policy which will be free from the criticism of direct class advantage. As a matter of fact, however, under the circumstances, this is legislation directed against a common danger.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Kentucky [Mr. Swope].

Mr. SWOPE. Mr. Speaker, I was very much impressed with the statement made by the gentleman from Texas. It seems to me it is just a question whether this Government is going to have a well-defined policy toward the farmers or not.

Mr. Speaker, the farmers of this country are to this Nation what the foundation is to the house. The life, the health, and contentment of the American people rest upon the broad shoulders of the American farmers, who feed them and, to a great extent, clothe them. Yet this great class of people which is the bone and sinew of our land has practically nothing to do with the prices of its crops, cattle, and so forth. The manufacturer buys raw material at the manufacturer's price and sells it for the manufacturer's price. The merchant sells at his own price. But the farmer toils all the year producing his crops and raising his live stock and has to sell not at his price but for the price the miller, the manufacturer, or the packer offers him. That is not fair. The farmers should have the same right to set the price upon what they produce as the merchants, the manufacturers, or the packers, as long as they are fair and reasonable. Under our present high prices some might think that the farmers are in on the profit game; but in proportion to the money invested, the increase in cost of production, and what they have to pay the merchants for what they consume, the profits of the farmers are not large. The question then arises, Why are the prices too high to the ultimate consumer? Simply because of the unnecessary middleman. I have heard it stated on the floor of this House that out of every \$3 paid by the consumer the middleman gets \$2 and the farmer or producer gets only \$1. That system of distribution, although very old, is very objectionable and should be and can be remedied. It is unfair to the consumer, because he has to pay too much for what he needs, and it is unfair to the farmer, because he receives too little in return for his investment of time and labor expended. Mr. Hoover says:

The whole marketing system in many of our commodities is indirect, expensive, wasteful, obsolete, and increases the margin unduly. Our manufacturing industries have developed out of pace with our agriculture, and labor is being drawn in thousands from the farm to the town at wages with which the farmer can not contend.

The problem, then, seems to be to, as nearly as possible, eliminate this intermediate speculator between the producer and the consumer, and then the producer and consumer can share the \$2 that is now being levied by the middle party. The question is, How can this be done? By bringing the producer and consumer together. And then, How can that be done? It certainly can not be done as long as there is no unity of action on the part of the farmers. The farmers must lawfully organize and cooperate if they expect to have anything to say about the prices of their products and bridging the gap between themselves and the consumers. If they can do this, they can both standardize and increase their output and also stabilize their income. The consumer should also be interested in this proposition, because it would mean that the money that in the past has been absorbed in a manner that decreased production would under this plan be applied in a way that would

rather stimulate production, which ultimately means lower prices to the consumers. But there are some legal barriers at present which prevent the farmers from being able to fully organize effectively, and it is for the purpose of removing these barriers that the various collective bargaining bills have been introduced, and this bill, H. R. 13931, has been reported by the committee favorably.

Let us now examine the legal status of the situation and see why legislation along these lines is necessary.

An act of Congress of October 15, 1914, known as the Clayton Act, in section 6 provides:

That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, "and not having capital stock or conducted for" profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof. Nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

This policy of Congress was again expressed in the deficiency appropriation bill of October 21, 1919, in the following language:

*Provided further*, That no part of this appropriation shall be expended for the prosecution of farmers, producers, and associations of farmers who cooperate and work in an effort to and for the purpose of obtaining and maintaining a fair and reasonable price for their products.

The apparent intention of Congress, however, is not clearly expressed in section 6 of the Clayton Act, and it is rather uncertain what these farm organizations can lawfully do or what are "the legitimate objects thereof." Section 6 of the Clayton Act also exempts only those farm associations "not having capital stock or conducted for profit." The practical operation of that clause is that in States where there is no law permitting the organization of associations without "capital stock" and "not conducted for profit" it is impossible for the farmers to organize because if they organize with capital stock they do not come within section 6 of the Clayton Act, and if they attempt to organize without "capital stock and not conducted for profit," they violate the State laws of these certain States.

Mr. SABATH. Will the gentleman yield?

Mr. SWOPE. Not now. I have not the time.

Now, several States have enacted laws making collective sales lawful, but inasmuch as there are many of the producers' organizations whose business extends into several States, they therefore come within the Federal laws, and it is therefore proper that Congress should declare a plain, unmistakable, and fair policy with reference to them.

The Committee on the Judiciary with that purpose in view has very wisely reported out the bill H. R. 13931, which authorizes the association of producers of agricultural products. This bill, in my opinion, will be of far-reaching effect and will be of great help to both producers and consumers. The bill is as follows:

A bill (H. R. 13931) to authorize association of producers of agricultural products.

*Be it enacted, etc.*, That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of their members; and such producers may organize and operate such associations and make the necessary contracts and agreements to effect that purpose, any law to the contrary notwithstanding: *Provided, however*, That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum.

Sec. 2. That if the Secretary of Agriculture shall have reason to believe that any such association restrains trade or lessens competition to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from so restraining trade or lessening competition in such article. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be reduced to writing and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association restrains trade or lessens competition to such an extent that the price of any agricultural product is, or is about to become, unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist therefrom. If such association fails or neglects for 30 days to obey such order, the Secretary of Agriculture shall file in the district court in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the

order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to affirm, set aside, or modify said order, and may make rules as to pleadings and proceedings to be had in considering such order.

The facts found by the Secretary of Agriculture and recited as set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court, and while pending for review, the district court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may upon conclusion of its hearing enforce such order by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, and such service shall be binding upon such association, the officers, and members thereof.

In section 1 the bill permits persons engaged in agricultural products, as farmers, planters, ranchmen, dairymen, or fruit growers, to act together in associations, corporate or otherwise, with or without capital stock, to collectively prepare and place their products upon the market. It also provides that no member shall have more than one vote regardless of the stock he may own therein. Provision is also made that the association shall not pay dividends on stock or membership capital in excess of 8 per cent per annum. Section 2 of the bill is to protect the consumer and outlines the remedy in case these organizations should restrain trade or lessen competition. My personal opinion is that the farmers will never abuse the privileges extended to them under this bill; nevertheless I think the committee has acted wisely by staying on the safe side and providing a remedy in case the privilege should be abused.

I think, Mr. Speaker, this bill will not only tend to dignify farm life but will stimulate interest in agricultural pursuits and help stop the influx of the rural population into the cities, and thereby increase production. [Applause.]

Mr. RIDDICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Texas makes the same request. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, I make the same request.

Mr. HENRY T. RAINEY. Mr. Speaker, I make the same request.

Mr. STEENERSON. Mr. Speaker, I make the same request—to extend my remarks on this bill.

Mr. WALSH. Reserving the right to object, Mr. Speaker, are these remarks all to be confined to the bill?

Mr. BEE. Mr. Speaker, there is no probability, is there, that any of these remarks will be about the bonus bill?

The SPEAKER. The Chair understands the request to be on this bill.

Mr. TAYLOR of Colorado. I make the same request.

Mr. FIELDS. I make the same request.

The SPEAKER. The Chair thinks it is better to take them individually. The gentleman from Colorado [Mr. TAYLOR] makes the same request. Is there objection?

There was no objection.

Mr. WHITE of Kansas. I make the same request.

Mr. MANN of Illinois. I ask unanimous consent that all Members have three legislative days in which to print remarks on this bill.

Mr. KINKAID. Make it five days.

Mr. MANN of Illinois. No; let them work a little.

Mr. WALSH. I object.

Mr. KING. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point of no quorum.

Mr. KING. Mr. Speaker, at the request of the gentleman from Wyoming I withdraw it.

By unanimous consent, the following Members were granted leave to extend their remarks on this bill: Mr. PELL, Mr. FIELDS, Mr. SABATH, Mr. WELLING, Mr. UPshaw, Mr. STEENERSON, Mr. WHITE of Kansas, Mr. LAYTON, Mr. SUMMERS of Washington, Mr. RUBEY, Mr. MICHENER, Mr. CHRISTOPHERSON, Mr. FLOOD, Mr. OLIVER, and Mr. THOMPSON.

Mr. THOMAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. I desire to know if all of these gentlemen who are making requests to extend remarks on this bill are farmers?



The SPEAKER. The Chair is unable to answer the gentleman's question. [Laughter.]

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Speaker, I am heartily in favor of the passage of the pending bill. It reads as follows:

A bill (H. R. 13931) to authorize association of producers of agricultural products.

*Be it enacted, etc.,* That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of their members; and such producers may organize and operate such associations and make the necessary contracts and agreements to effect that purpose, any law to the contrary notwithstanding: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum.

Sec. 2. That if the Secretary of Agriculture shall have reason to believe that any such association restrains trade or lessens competition to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from so restraining trade or lessening competition in such article. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be reduced to writing and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association restrains trade or lessens competition to such an extent that the price of any agricultural product is, or is about to become, unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist therefrom. If such association fails or neglects for 30 days to obey such order, the Secretary of Agriculture shall file in the district court in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to affirm, set aside, or modify said order, and may make rules as to pleadings and proceedings to be had in considering such order.

The facts found by the Secretary of Agriculture and recited as set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court, and while pending for review, the district court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may upon conclusion of its hearing enforce such order by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, and such service shall be binding upon such association, the officers, and members thereof: *Provided,* That nothing contained in this section shall apply to the organizations or individual members thereof described in section 6 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, known as the Clayton Act.

If enacted into law, it would relieve farm organizations from certain embarrassments that may arise at any time under existing laws. While removing such embarrassments it safeguards in the proper manner the rights of the public. While no special prosecutions may have arisen under the existing laws, the probability of legal prosecution prevents farmers from cooperation with one another in the handling and marketing of farm products.

The provisions of the bill are clearly disclosed in the report of the committee, which shows that the dangers mentioned by some in this debate are wholly imaginary. This debate, however, has disclosed the strongest possible argument for the passage of the bill. The arguments advanced in opposition to the bill convince me more strongly than ever that this legislation is necessary in the interests of the farmers.

The statements of the gentleman from Massachusetts [Mr. WALSH] and the unwarranted precipitation of an enforced adjournment of the House last Friday evening revealed the existence and nature of the opposition to this bill. It is a challenge from the manufacturing centers against the agricultural sections of the country. It asserts an assumed right on the part of the industrial centers to dictate to the agricultural interests of the country with respect to the methods which they should employ in the management of their own business affairs. That opposition assumes the inherent right of the industrial and manufacturing centers of the country to organize among themselves for the benefit of their own affairs and at the same time deny that privilege to the producers of food throughout the country.

As a Representative of an agricultural district and State I gladly accept the challenge of the gentleman from Massachu-

setts and will promptly join with all the Representatives of the agricultural sections of this Nation to resist in every reasonable way the principles embodied in the speech of the gentleman from Massachusetts. He seems to assume that the cooperation made possible and safe under the terms of this bill are calculated to increase the cost of food supplies. I deny his assumption in this matter. Intelligent cooperation among the farmers of the country under the terms of this bill will increase the production of food products to such an extent as to secure reasonable prices in the markets. If the gentleman from Massachusetts means that the farmers must sell the products of their labor to the people of the industrial centers at the lowest possible prices, even at a loss to the producers, while the manufacturing centers are allowed to sell their products to the farmers at the highest possible prices, I deny his right to enforce a policy of that kind even through an unwarranted adjournment of this House at any time.

The action of last Friday evening has clearly revealed to many men in this House the latent purpose to force an "irrepressible conflict" between the industrial centers on the one hand and the agricultural centers on the other. How can Representatives discharge the full measure of their official duties to their constituents and to their country unless they stand together as one man and demand for the agricultural interests of the country equal opportunities and benefits in the open markets of the Nation? This "irrepressible conflict" is revealed by the facts that the industrial centers on the one hand are directly interested in securing the highest possible prices for their labor and paying the lowest possible prices for food products, while on the other hand the agricultural sections are interested in securing the highest possible prices for the products of their labor and paying the lowest possible prices for manufactured articles that they are compelled to use.

Then, how are we as a Nation to find a common ground on which we can all stand and share equally in the distribution of privileges and benefits? This desired and necessary result can not be secured by denying to the farmers of the country the privileges embodied in this bill. The attempted denial of those benefits was clearly foreshadowed in the unwarranted adjournment of this House last Friday evening.

Mr. Speaker, all the benefits proposed by this bill for the farmers of the country have been granted heretofore to the financial, manufacturing, and labor centers of the Nation. Then why deny these privileges to the farmers of the Nation? That denial is unwarranted and unjust. The enforcement of that denial will hasten the "irrepressible conflict" and compel the Representatives from the agricultural districts and States to oppose to the full limit like demands from the manufacturing and industrial centers.

In order that we may ward off the evil day of that "irrepressible conflict," I appeal to the gentleman from Massachusetts to withdraw his speech for repairs and join with us in the passage of this bill, and thus give legislative proof that we are ready to deal fairly and justly with the farmers of the Nation.

The agricultural communities have the same right to organize and manage their business affairs as the industrial and manufacturing communities have to organize and manage theirs. [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. JOHNSON of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the river and harbor bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks on the river and harbor bill. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. HERSMAN].

Mr. HERSMAN. Mr. Speaker, the report of the committee on this bill is very clear, persuasive, and conclusive. I would like to have time to show where the agricultural farmers' organizations that have been organized in this country have been of great benefit to the city people, to the consumers of this Nation. I would like to have time to show how they have standardized their products, greatly to the benefit of the consumer, and how, by judicious advertising, they have drawn attention to their fruits and other farm products. I would like to have time to show what the farmers have been able to get under the cooperative associations and to submit in detail figures that show they have not raised the prices to the consumer.

I picked up in my office before I left a copy of the report of the California Almond Growers' Exchange. That triangle that

you see here [indicating] represents what the farmer got before he was organized. It is one-quarter of the price that the consumer paid. The farmer got 25 cents out of the consumer's dollar. The first year after the organization he got what is represented by the second black figure, almost half of the consumer's dollar. To-day he is getting close to three-quarters of the consumer's dollar. They have cut down the tax in transit, and the consumer was not paying any more for almonds last year than he was nine years ago.

Mr. KING. The gentleman means the ultimate consumer?

Mr. HERSMAN. Yes. Now, I would like to discuss what the prune and apricot growers and the raisin growers have done for themselves. Their organizations have raised the price to the farmers and taken away the profits of the middleman, and not until last year was the price increased to the consumer. Under the stimulating influence of increased price, planting has greatly increased. The acreage in some fruits has increased 200 per cent. What does that mean? It means that the product will be greatly increased and ultimately the farmers can afford to sell them for less when the market is stabilized and a price can be reasonably assured by his association. My time is too short to consider these points at length, but I mention them in order to show to the opponents of this bill that cooperative farm associations tend to increase production.

Mr. LAYTON. Will the gentleman yield?

Mr. HERSMAN. I can not; I have but little time.

The greatness of any nation depends upon maintaining a contented and prosperous rural population. Its very life can be measured by the condition of those who till the soil. It is therefore of the greatest importance that any legislation touching the life of the farmer should be most carefully considered, and his interests must necessarily be jealously guarded. To-day the farmer finds his success in business must be governed by the same methods used by others. The economic conditions that have changed the individual to the partnership and finally to the corporate method of doing business can not be disregarded by the farmer any more than they can be disregarded by others engaged in other lines of business. Operating individually, he is helpless and falls an easy victim to the organized operators who deal in his output. The products of the farms of this Nation have been in the hands of the speculator and gambler from the very foundation of the Republic. It has been a most difficult and a very slow and expensive experience for the farmer to realize that in order to succeed he must cooperate with other farmers to achieve success in his business ventures. The very nature of his business and his mode of life has inclined him to act alone and independently, and it is only through dire necessity that he has finally realized that in order to follow his chosen occupation to provide for his family and to safeguard old age that he must adopt modern methods and cooperate with others in the marketing and distribution of his products.

The Congress of the United States when it passed the Clayton Act, realizing this important principle and the changing business methods, specifically legalized the kind of cooperative farm associations that were then in operation in the following language:

The labor of the human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purpose of mutual help and not having capital stock or conducted for profit.

The language is not clear, and the farm organizations of to-day have been subjected to much annoyance and uncertainty because of this fact. The farmer of to-day finds that his associations must have capital stock in order to handle his business most effectively, and this bill is intended to legalize farmers' cooperative associations having capital stock. He is not asking for specific exemption; he is not asking to be considered a privileged class; he knows that in order to compete with others in business he should have capital stock, and he is simply asking this Congress to legalize his organizations that are proving such a benefit to himself and to the Nation. Let me make this point very clear, because it has bothered a number of my colleagues with whom I have talked in regard to this particular legislation. The farmer does not ask and does not want class legislation. Under the law an unlimited number of people can form a corporation and through their officers and managers can set the price on their output. This kind of corporation is considered as an individual under the law. A group of farmers can not organize with capital stock and safeguard their interests, because the law considers each one as an individual entity. The farmer has been legislated against rather than having had extended to him special privilege. The provision of the Clayton Act which permitted cooperative marketing among farmers can not under present business methods

be fully taken advantage of, and this bill is framed in order to meet the situation that the farmers of this Nation are confronted with through the evolution of modern business methods. This Congress found itself in a most embarrassing position when it passed the deficiency appropriation bill. Under its provisions you appropriated \$200,000 for the enforcement of the antitrust laws, but you provided that "no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose of maintaining a fair and reasonable price for their product." It seems to me that such legislation little befits the wisdom of able statesmen. You tell the Attorney General that he must prosecute violators of the law and appropriate \$200,000 for him to do it with, and at the same time you say there is one violator of the law that you can not use this money to prosecute, and that is the farmer.

It seems to me that this is legislation of the worst kind. If the farmer is in violation of the law, you ought to prosecute him and you ought to let him know that you are going to prosecute him. If his associations are necessary to his prosperity and in the interest of the public, then our laws should state that such associations are not in violation of the antitrust laws or the Clayton Act. From the position taken by this Congress the farmers of this Nation have a right to demand the enactment of a law that will clearly set forth their position. If the farmers are to receive continued protection, they should know it. If, on the other hand, they are to be adjudged criminals, the knowledge should not be withheld. After their long struggle they are entitled to know how the lawmakers are going to deal with them.

It seems to me that the right of farmers to act together in the disposition of their products is one of the simplest and most fundamental of their rights as producers. They are not asking for any special privileges and have not received any unwarranted consideration in the past. If anyone considers the provisions of the Clayton Act, as far as it relates to farmers' special legislation, it has already been done and is not the question that is now being considered in this bill. The farmers of this Nation are honestly trying to solve the problem of marketing their products and do not hesitate to accept the provisions of section 2. While supervision of this character has never been placed upon these organizations and the activities and records of farm organizations in the past would not of itself necessitate such supervision, I am persuaded from the viewpoint of the honest farmer cooperator that such supervision should not be resented. It would certainly cause the consumer to have confidence and trust in his organization, and might in the future prevent some group from bringing into disrepute cooperative methods.

The Secretary of Agriculture is at all times familiar with market conditions. His agents are scattered in every section of our country. His department is charged with the responsibility of keeping the Marketing Bureau efficient, and information is always available to him without additional expense. He is interested in encouraging increased production and has an equal interest in seeing that the consumer is able to purchase his food at a reasonable rate. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LAYTON. And if there are to be any special privileges in the United States, should not the farmer have the first chance at it?

Mr. HERSMAN. He should have the first show. It is in the interest of the city man—

The SPEAKER. The time of the gentleman from California has expired.

By unanimous consent leave was granted to Mr. HERSMAN to extend his remarks in the Record.

Mr. IGOE. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, I ask unanimous consent to proceed in the allotted time out of the regular order.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. GARD. Mr. Speaker, 60 years ago men of high and generous opinion entertained radically different views about the most vital essentials of our governmental life. They differed in thought, they differed in discussion, they differed in attempted compromise, they differed even to the death. In the evitable conflict which was brought upon this country, now nearly 60 years ago, after four and a half years of as brave fighting on the part of the North and on the part of the South as the world has ever seen, the god of battles determined the issues of war in favor of liberty, union, and nationality, and



there is no man I take it, North or South, who now does not appreciate the great wisdom of this stern verdict of the Civil War. [Applause.]

American men have marched to victory behind the Stars and Stripes in six great wars, and the present triumph of America is that the grandsons of Lee and the grandsons of Grant have fought side by side to protect the civilization of the world in the hour of its greatest peril. [Applause.] The forces of the flag have never met defeat. The United States of America is celebrating Memorial Day to-day—a beautiful day, a day brought to us out of the rigors and the terrors of the Civil War, but happily its purpose is now extended, and from coast to coast in the United States is recognized the valor of American arms. We pay tribute to the departed of their number with the sweet message of flowers. Self-denial, self-sacrifice, acts of heroism, are all recorded upon this one of the greatest of America's days, and now overseas, we see not alone a sympathetic regard but a recognition of the work of the men of the United States in the preservation of the great fight for human liberties in the world's greatest war. At this time, therefore, it seems to me, in this, the greatest legislative assembly in all the world, that it is meet and fitting to pay tribute to this great American day. Let us say with Webster, that we, the living, in paying honor and tribute to the heroic dead, stand besides for our country, our whole country, and nothing but our country, and in order that America, the unconquered, may remain for all time, America the unconquerable. [Applause.]

Mr. IGOE. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Speaker, as I understand this bill, it is an effort to give to the agricultural classes of our citizenship special privileges not enjoyed by the rest of flesh. I am opposed to it for that reason; and, contrary to the notion of the gentleman from Nebraska [Mr. ANDREWS], I do not come from a manufacturing and industrial section of the country, where he thinks all the opposition to the bill must originate. The district I represent is wholly agricultural. The fact is that I am a farmer myself. You gentlemen smile when I say that, but if I were to say it where my constituents could hear me, they would laugh. [Laughter.]

I believe that the old rule is still good—equal rights to all, special privileges to none. I do not believe that the farmers of this country want any special privileges. I think all they want is that the law should deny to the other fellow special privileges. This bill, according to my friend from California [Mr. HERSMAN] is not an attempt to give the farmer any special privilege. I do not read it that way, and that is not what the report says. I call the attention of the Members to this remarkable language in the report. Denying that this is a special privilege, it goes on to say—

Instead of granting a class privilege, it aims to equalize existing privileges by changing the law applicable to the ordinary business corporations so that farmers can take advantage of it—

Whatever that language may mean. But there is no question about what this language means:

Instead of granting to farmers a special privilege, it aims to take from the business corporations a special privilege—

And how?—

by conferring a like privilege on farm organizations.

Mr. Speaker, in order to take from business a special privilege, they propose to confer a like special privilege upon the farmer. What is to become of the rest of flesh? Mr. Speaker, this is simply an effort to give to the farmer the right to do that which we deny to everyone else.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREYS. Well, I submit. [Laughter.]

Mr. BLACK. I would not care to ask a question unless the gentleman has the time to yield.

Mr. HERSMAN. Mr. Speaker, I would like to ask the gentleman to yield, if he does not object.

Mr. HUMPHREYS. Would not the gentlemen permit me, first, to get out what is in my head? Nobody objects to the farmers having these cooperative societies. Nobody objects to their organizing, just as they have organized in California, under the law. The gentleman from California [Mr. HERSMAN] tells us that the almond farmers have already organized under the law, and that instead of getting one-fourth of the selling price they get three-fourths. That is, under the present law; and he said that if he had more time he could tell us the same story in respect to the raisin growers. We propose now to take the farmers out of the general body of sinners and create a special class for them, and tell them to go to it and that they will not be punished.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. HUMPHREYS. I am sure the country will be greatly disappointed. [Laughter and applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, it has been said in this debate that the only remedy for a violation of the privilege granted is through the intervention of the Secretary of Agriculture. I think that statement is not warranted and is made under a misapprehension of the terms and effect of the bill. The bill provides in the first section that it applies to those—

who are to engage in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce such products of their members.

Permission is given that they may organize for that purpose, but it is also provided that they must comply with certain provisions in order to enjoy that privilege. Among these is a provision that they shall not pay dividends on their stock or membership capital of more than 8 per cent. If that or other provisions of the bill were violated by any such association, the bill would be no protection and they would be subject to prosecution under the antitrust act.

Mr. STEENERSON. Will the act apply to any except those who have capital stock?

Mr. TOWNER. No; I do not think the provision relating to the limitation on dividends would apply to any except associations issuing stock to its members, but I am not sure about it.

The provision of section 2 is only an additional security against persons organizing ostensibly as producers but in reality organizing for handling and marketing solely for profit. It provides that in any case where information comes to the Secretary of Agriculture he may institute an inquiry, have a hearing, and, if necessary, issue an order against the illegal practice. From this order the right to appeal to the courts is given.

I think I am justified in saying that never was an improper use of a privilege more carefully guarded against than in the provisions of this bill. It would even appear as if unnecessary provisions were incorporated merely to make assurance doubly sure; that the only object and purpose of the bill is to provide that when cooperative effort is necessary to facilitate and increase production it might be authorized and protected. Again, it should be emphasized this privilege is not to dealers or handlers or speculators for profit; it is limited to the producers themselves. It is to say that those who produce the necessities of life may cooperate with each other to furnish more and better food and clothing for the use of mankind. It may be added that in doing so they voluntarily limit themselves against undue profits or any imposition.

The bill is limited in its protective features to those who organize under it who are themselves producers. There is no protection given to organizations which merely deal in or handle such products. There is no protection whatever for a mere trading corporation. The purpose is limited to collective "processing, handling, and marketing" the products of those who are members. Who can say that such organization and purpose is not in every way justifiable? Who can say that it will not be an aid to production? Can there be any question but that such organization will aid not only those who are the producing members but also the ultimate consumers?

In order to provide against excessive profits the associations are limited to 8 per cent dividends. Are the corporations which manufacture steel thus limited? Are the manufacturers of woolen and cotton goods thus limited? Everyone knows that there are literally thousands of corporations doing almost every kind of business which have been and are making many times such profits, and there is practically no limit to their profits except the income and excess-profits tax. In this case the farmers voluntarily place this moderate and reasonable limit, so as to prevent any possible appearance even of profiteering; and yet gentlemen on this floor are opposed to any recognition of the farmers to cooperate in any manner or with any limitation. In my judgment this is both unreasonable and unjust.

It is remarkable that there should be manifested a spirit of antagonism against the farmers by those who represent the cities in this House and elsewhere. The prices of farm products which the consumers in the cities pay are at least twice what the farmer who produces such products receives. This more than 100 per cent increase between the farmer and the consumer represents the unconscionable profits which their own dealers receive and impose upon their fellow citizens. But instead of trying to limit the excessive profits of their own dealers to the detriment of the great body of their own consumers,

these gentlemen blame all this high cost of living on the farmers, and when the farmers make any effort to reduce the moderate profits of these middlemen, or desire by cooperation to increase production to the immediate benefit of the city consumer, the city representatives oppose their efforts.

It would be much wiser if those who represent city constituencies would realize that not only their prosperity but their lives are dependent on the products of the farm. Everything they eat and wear comes from the farm. Every comfort they enjoy comes from the farm. It will not be by opposition to the interests of the farmers that they can further their own interests. It will not be by discouragement, discredit, and abuse of the farmers that they will insure their own prosperity. It should be seen by all that our prosperity and the comfort and happiness of our people must depend upon the cooperation and friendly relationship of all, and that no class or portion of our citizenship can afford to build his own prosperity on the misfortune or discomfiture of others. "One country, one and indivisible," is not only a good political maxim, but it is a wise, economic, and business principle as well.

Mr. IGOE. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DONOVAN]. [Applause.]

Mr. DONOVAN. Mr. Speaker and gentlemen, I think the real situation relative to this bill and why, in my opinion, it should not pass is expressed in the words or inquiry of the gentleman from Delaware [Mr. LAYTON] propounded to the gentleman from California [Mr. HERSMAN], in which he assented, who said if there is a class in this country that should have special privileges, that class is the farmer.

Gentlemen, there was a time not so long ago, as I recall it, when the Standard Oil Co. alone had the honor of being the premier privileged class. Then the distinction fell to the Steel Trust, then to the packers, but to-day we learn on the floor of this House from the supporters of this bill, without blush or apology, that either by divine right or by desire the farmer alone has first claim to the honor and emoluments of the privileged class. In other words, the farmer has become the American aristocrat as well as autocrat.

Now, of course, such a claim is foolishness, is undemocratic, is utterly un-American. And yet the gentleman from Delaware has made that declaration.

This bill is drawn for the protection of the farmer, the ranchman, and men of their class. And while I know all here and elsewhere will bear testimony to the great place they occupy in the hearts of the American people, and if it were not for them it would be impossible for the great cities and manufacturing centers, as well as the smallest hamlet and township to exist, it is nevertheless true that the farmer owes a reciprocal obligation, respect, and consideration to his fellow countryman, for he can not advance and prosper without his aid.

This bill has some very pernicious and un-American features, the chief of which from a legal standpoint, in my opinion, is the one proposing to exempt from the present existing law relating to unfair competition and placing these proposed farmer organizations beyond its jurisdiction.

The gentleman from Mississippi [Mr. HUMPHREYS] has cited to you and read certain sections from the report of the committee in support of the bill. He read you where the supporters of the bill claimed that the corporations with whom the farmers are commercially related as agents or distributors have now under the law an unfair advantage of the farmer.

It is not the purpose of the farmers' organizations to come here or to their individual States and ask for remedial legislation. Oh, no! It is not so much that they complain what the commission merchant and distributor does in violation of the law, but they are asking you, and say very frankly in the report, that they want to be made a partner with them, in so far as they may have equal privileges to mulct the public.

The report itself sets up a defense denying that a special privileged class will be created by the enactment into law of this bill, even before the bill was brought out and before an indictment was made against it. The bill proposes to take from the courts the right of initial proceeding, and vest a quasi judicial power in the Secretary of Agriculture, who alone is the one person to determine whether or not a violation in restraint of trade or unfair dealing is had, and the steps which ultimately may reach a court proceeding consume 60 days at least, and may, as the law is now drawn, consume even a greater length of time. During all these preliminary steps which the Secretary of Agriculture alone may employ, the right to enjoin the offending organization of farmers is denied, and even the embargoing of the product of the complained of concern is denied.

Gentlemen, I have no grudge or ill feeling against the farmer; as a matter of fact I have had great respect for him. I have

never quite agreed with those of his friends and supporters who delight in picturing him as the unfortunate member of our body politic, either in education or finance. It is my observation that he is a smart, sometimes sharp, clever individual, and in most cases well heeled financially; and when you come to deal with him, whether it is for his horse, a load of hay, or for his hundred-acre farm, you will find him on the job and well able to care for himself. I think the fact that he has succeeded in having this bill reported is a convincing argument for my contention for his shrewdness and business ability. I do not believe in special legislation, whether it is for the mechanic, the banker, the professional man, or the corporation; besides being unlawful, it is not in accordance with American ideals and is unwholesome to the growth of American business and industry and a deterrent and destroyer of peace and amity to our people as a whole.

I am opposed to the extension of Federal control where there is no especial need or where, as in this situation, the several States have provided by law for the situation complained of.

The fact is we have sufficient law on the statute books to cover nearly all matters for which we are asked to legislate. The gentleman whose name this bill bears has already sponsored and managed the passage of a bill through this House which to-day has arrayed one class of our citizens against the other, and this bill, if it becomes a law, in my opinion, will ultimately have a similar effect.

Gentlemen, I believe the purpose of taking the farmer from without the jurisdiction of the antitrust and kindred laws is to avoid the scrutiny and evasion of the standards of cleanliness and the reduction of excessive profits, which the thriving communities and large cities in this country find it necessary to invoke under the law, which at present controls the situation.

In the State of New York it is almost unbelievable to think, and yet it is a solemn fact, that when the milk producers in that great State were not attaining the proper sanitary standards in their product, and coupled with this wretched condition, charging an unfair price for their product, with sick mothers and suffering, weak children dying because of the poor quality of the milk and their inability to pay the outrageous price for it, sooner than accede to the demands made by the officials charged with the responsibility of enforcement of the law to correct the evil, these farmers threw into the highways and byways, as well as into the brooks, their milk, rather than sell it at a fair and reasonable price to these people so greatly in need of it.

I am opposed to this legislation for the above reasons, and therefore shall vote against the bill. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, really the great problem of people to-day is probably, first, production, and, second, doing away with the present waste between the producer and the consumer. Everyone who has studied economics must be startled with the knowledge of the immense waste and cost to-day between the producer, either of foods or manufactured products, and the consumer. I do not know how successfully this bill may operate when it becomes a law, but it is an effort to make the producers of food products in the country, through combination and associations, which are necessary in some form, to eliminate a portion or a large part of the present admitted waste in the transportation between the producer and the consumer.

I represent the middleman. But I believe the present system is largely wasteful. While I do not know how far the farmer through association may be able to eliminate this waste, nor do I know whether he or the consumer will make the most out of the elimination of the waste, I do know that the experience of mankind is that wherever you eliminate waste between the producer and the consumer it is to the advantage of both and to the disadvantage of no one. [Applause.] Therefore I support the bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield time to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LARSEN. Mr. Speaker and gentlemen of the House, I am unable to understand or to appreciate the viewpoint of gentlemen who oppose the passage of this bill.

It is not the kind of measure in many of its details that I prefer. I do not think it is as good as the Hersman or the Cup-



per bills. I am, nevertheless, for it because I think it is the best that can be obtained at this time. I am for it because the farmer wants it. I am for it because the best interest of the country demands it.

It will cost the Government nothing, it will benefit the public, and can hurt no one except the man who desires to control agricultural products for the purpose of speculation or profiteering. Its provisions simply enable those engaged in production of agricultural products, fruits, and so forth, to act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing, in interstate and foreign commerce, the agricultural products they produce. They do not handle the products of others or any commodity which they do not produce.

Some gentlemen profess to fear that such an innocent corporation, born of such humble parentage, may grow into a monster monopoly, restraining trade and lessening competition to such an extent that the public interest may suffer. It is as unreasonable as it would be to expect school-teachers to combine, withdraw their cash from deposit and circulation, and thereby precipitate a national panic. You gentlemen should know better; I fear you simply wish to protect speculation and to encourage nonproducers to act as public distributing agents when some of them would serve the public to better advantage were their energies diverted into other lines of activity.

Some of you who oppose the bill come from sections where monster corporations have grown powerful at the public expense. It might be that your time would be more profitably spent in trying to affect the passage of some law that would force them to pay into the Treasury of the country a portion of the enormous war profit which they have made during the past few years.

Gentlemen, there is no cause for alarm. Your rights are well safeguarded by the provisions of the bill. Should any association restrain trade or lessen competition to such an extent that the price of any agricultural product is unduly enhanced by reason thereof full authority for relief is provided.

The powers asked for in this bill are not unusual. Other governments have granted such rights without detriment to the public welfare. Some countries have enjoyed such rights and privileges for a quarter of a century. They still enjoy them and I have never heard of an instance where the rights of the public have been jeopardized by reason thereof. No one has ever heard of farmers forming such a monopoly as endangered the public good. If they so desired, their conditions are necessarily such that they can not do it.

Under present conditions the farmer who produces our food products sells it for about one-fourth of what it cost the ultimate consumer. The remaining three-fourths goes to the transportation companies and to the wholesale and retail merchant.

This bill provides a method whereby the producer and the ultimate consumer may be brought closer together and whereby waste may be eliminated. You can not eliminate waste without benefiting the public.

Our census reports show an enormous increase in the population of our cities. In some sections our rural population is also increasing, but nowhere in proportion to that of the cities. These conditions so alarm every thoughtful and reflective person that from every quarter there comes the demand for increased food production and the cry "Back to the farm." But, alas, no one returns! Why? You say because the city affords better social and educational advantages. This is true only in part. It is mainly because the mercantile and manufacturing interests of the country are in better financial condition than the farmer and can, therefore, afford to pay more attractive wages for labor.

I am not in favor of granting special privileges to any class; the farmer wants none. All he desires is an equal opportunity with others. He is entitled to this, and we should not withhold it from him. This bill will better his opportunity. Figuratively speaking, it will shorten the distance between the producer and the ultimate consumer. It will increase the net profits of the producer, and it will not cost the ultimate consumer a cent more. In proportion as we accomplish this it will increase production and solve the food problem for our too rapidly increasing city population. He who lives in the city should understand that one of its problems is the problem of the farmer. He is indeed blind who resides in the crowded city and has not sufficient vision to see and to understand that prosperous farms make more prosperous nations.

Mr. Speaker, it should certainly be refreshing to the American public to know that if any organizations are created under the provisions of this bill, there will be no water in the stock except that which falls from the honest brow of labor. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker, I was pleased to hear the distinguished gentleman from Illinois [Mr. MANN], who admittedly represents a district of middlemen, explain to this House that collective bargaining on the part of the producer would have a tendency to benefit the producer and consumer of foodstuffs. I was tempted to compare his statesmanship with that of other Members who have appealed to Members to vote against this bill on the ground that the gentleman from Minnesota [Mr. VOLSTEAD], the author of the bill, was also the author of national prohibition. Think of the appeal to men to vote against this measure because the author of it is the author of a bill that some of your congested centers do not like. That appeal has been made twice. There is not any question in the world but that the consumer of foodstuffs to-day is suffering more from the fact that the producer has no equitable or fair system of marketing than from any other one cause, and that the producer is being hindered and stifled in the United States from that same cause no man can deny.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. IGOE. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. WATKINS].

Mr. WATKINS. Mr. Speaker, of course it is perfectly evident that in the short time allowed for the discussion of this bill its principles can hardly be enunciated, much less discussed in such way as to materially impress the membership of the House with its unfairness to the great agricultural interests of the country, especially the cotton-producing section, which I in part have the honor to represent.

The fourth congressional district of Louisiana is an agricultural section, and as a Representative from that district I have invariably endeavored to determine what was to the best interest of the people whom I represent and have so shaped my course, as their Representative, as to protect to the best of my ability those interests.

In doing this I have heretofore had occasion to call to the attention of the House of Representatives the efforts made on the part of those representing other sections of the country to measures seeking to discriminate against the interests of the southern section.

Arriving from home last September a year, I immediately took up the question of fixing a price upon cotton, as there were two bills pending, one providing for fixing the price of cotton at 15 cents per pound and another bill providing for fixing the price at 20 cents per pound.

At that time I endeavored to make it clear that it was not to the interest of the people at large and was an injustice to the cotton-growing section to have either one of these prices fixed, or, in fact, for any price to be fixed upon this staple product of the South.

Up to this time this has not been done. Section 2 of this bill now under consideration, H. R. 13931, provides:

That if the Secretary of Agriculture shall have reason to believe that any such association restrains trade or lessens competition to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place, not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from so restraining trade or lessening competition in such article.

This simply means that when an association of farmers organized for the purpose of marketing their agricultural products, upon seeking to obtain a higher price than some individuals think they should bring, they will be cited to appear before the Secretary of Agriculture here in the city of Washington to show cause why the price is not excessive.

Section 6 of the Clayton antitrust law, approved October 15, 1914, provides:

That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

This section was placed in the antitrust law after extensive hearings, due consideration, and earnest efforts on the part of those representing agricultural interests to have this provision enacted into law. Since that time farmers' unions have felt free to form associations for the purpose of marketing agricultural products without restraint, and it is deemed just and proper that a person who produces an article will be left in a position where he can place the article upon the market at such

reasonable price as the public generally may be willing to pay for it.

Of course, under the antiprofitteering laws no one is allowed to sell a commodity at such an exorbitant price as to constitute an imposition upon the people.

If, as indicated, this bill shall be so amended as to recognize the right of the farmers to organize into associations not having capital stock or conducted for profit under the Clayton anti-trust law it will be greatly improved but will still have incorporated in it section 2, which provides that the Secretary of Agriculture may require agricultural associations to show cause why they should not desist from restraining trade or lessening competition on agricultural commodities, and if upon such investigation it shall be determined that they are doing so the case shall be submitted to the United States court for trial and determination.

While this bill provides for the incorporation of agricultural societies, and it is contended that it will operate to the benefit of agriculture, still in the second paragraph of section 1 it is provided that the dividends on stock or membership capital shall not exceed 8 per cent per annum.

Why this limitation to 8 per cent? Other business organizations are incorporated with full license to realize whatever per cent they deem proper in paying dividends. It is not just for this restriction to be placed upon farmers' organizations unless similar restrictions are placed upon other organizations.

For these reasons, if for no others, I can not support the measure.

As before intimated, it is my opinion that this investigation providing for the Secretary of Agriculture to make investigation is aimed principally at the great staple product of the South, cotton.

It is not meant by this to intimate that there is any prejudice against the interests of the South on the part of the Secretary of Agriculture. I believe that he is absolutely fair and impartial and will see that justice is meted out in all cases presented to him. This is clearly shown in a ruling which was made when the question came up as to quarantining the States of Louisiana and Texas on account of the appearance of the pink boll worm in some sections of these two States. Just as soon as it was known that this question would be passed upon by the Secretary of Agriculture I at once telegraphed, giving a warning to the people in the fourth congressional district of Louisiana that this quarantine would be established unless proper showing was made as to why it should not be. A strong delegation from my district came to Washington and, in cooperation with others from the State of Louisiana and the State of Texas, had a hearing before the horticultural board, at which it was shown that it was not necessary to quarantine these two States as a whole, and the Secretary of Agriculture formulated a plan by which the cotton interests could be protected and these two States be eliminated from the effect of a quarantine against the exportation of cotton, cotton seed, and its products, thus saving financial loss to these States and at the same time benefiting the cotton industry throughout the entire South.

It seems unfortunate that the spirit of sectionalism prevails in certain sections of the country and that a spirit of animosity against the South lingers in the minds of a few prejudiced persons who do not realize that the Civil War has long since ended and the animosities growing out of it are buried in the past. This animosity against our section of the country has cropped out in several instances during this Republican Congress, as is evidenced by the declaration of Mr. MADDEN, from the State of Illinois, on the floor of the House a few days ago, in which he characterized Gen. Robert E. Lee and his compatriots as traitors.

Under the rules of the House the Members have liberties which are not accorded to them in other places.

While this statement met with the reply denouncing it as false, and the word "lie" was vociferously uttered by many Members, it was not permitted under the rules of the House for the assertion to be repelled by physical blows.

The Member of the House from Illinois who made use of this uncalled-for statement in reference to Gen. Lee, the hero whom we adore, is said not to be a native American but born as a subject of England, and being adopted by this country is, no doubt, impressed in a similar way with reference to George Washington, the Father of His Country, who took up arms against England, and after a seven years' struggle succeeded, together with other patriots, in freeing America. He would, no doubt, also stigmatize Washington as a traitor if the occasion presented itself.

This spirit of sectionalism was shown when the woman-suffrage amendment was submitted to Congress. Section 2 of the amendment provides that the enforcement of the woman-

suffrage amendment shall be left with Congress. This was clearly done because it was intended by the Republican Party to provide for the protection of the negroes in the South, as it has always been recognized as the policy of the Government for each State to enact and execute its own laws in matters pertaining to the right to vote, except in those instances where it has been sought to protect the negro.

As a further illustration of the statement above made in reference to the spirit of sectionalism, attention is called to the bill now pending in Congress, which has been reported from the Judiciary Committee of the House and is on the calendar for final passage, entitled:

A bill to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

That this bill is intended as an attack on the South is clearly shown by the report from the committee, which includes a list containing the names of 74 negroes and 6 white men lynched from January 1 to December 31, 1919. This list gives all these cases as having occurred in the South and not a single one of them is reported from the North, only two being reported from Colorado, one from Kansas, and one from Washington, in the West. I will submit with my remarks a list of these cases which this report claims occurred in the United States in 1919. The report on this bill contains a diatribe against the people of the South, who are charged with lynching negroes for the outrages which were committed upon the females of the South.

This list is as follows:

*Lynchings, 1919.*

[74 negroes and 6 white men lynched from Jan. 1 to Dec. 31, 1919.]

| Name.                         | Date.    | Place.                     | Manner of lynching.          |
|-------------------------------|----------|----------------------------|------------------------------|
| Henry Thomas.....             | Jan. 18  | Grand Bayou, La.....       |                              |
| Bragg Williams.....           | Jan. 20  | Hillsboro, Tex.....        | Burned.                      |
| Sampson Smith.....            | Jan. 30  | Monroe, La.....            |                              |
| John Daniels.....             | Feb. 6   | New Bern, N. C.....        | Hanged.                      |
| Will Fortner.....             | Feb. 14  | Bossier, La.....           |                              |
| Eugene Greene.....            | Mar. 2   | Belzoni, Miss.....         |                              |
| Cicero Cage.....              | Mar. 13  | Tuscaloosa, Ala.....       | Cut to pieces.               |
| Joe Walker.....               | do.....  | Greenville, Fla.....       | Shot.                        |
| Bud Johnson.....              | Mar. 14  | Castleberry, Fla.....      | Burned.                      |
| Sam McIntyre.....             | Apr. 14  | Millen, Ga.....            |                              |
| George Holden.....            | Apr. 23  | Forest City, Ark.....      | Hanged.                      |
| Tom Gwyn.....                 | Apr. 29  | Monroe, La.....            | Shot.                        |
| Benny Richards.....           | May 2    | Hickory, N. C.....         |                              |
| Discharged soldier.....       | May 9    | Warrentown, Ga.....        | Hanged (burned after death). |
| (woman).....                  | do.....  | Pickens, Miss.....         |                              |
| Lloyd Clay.....               | May 14   | do.....                    |                              |
| Will Moore.....               | May 15   | Vicksburg, Miss.....       | Burned.                      |
| Frank Livingston.....         | May 20   | Scott, Ga.....             |                              |
| Jay Lynch (white).....        | May 21   | Ten Mile, Miss.....        | Hanged.                      |
| do.....                       | May 28   | Eldorado, Ark.....         | Burned.                      |
| Berry Washington.....         | May 30   | Lamar, Mo.....             | Hanged.                      |
| James E. Lewis.....           | June 6   | Mineral Wells, Miss.....   |                              |
| Max Smith.....                | June 7   | Milan, Ga.....             | Do.                          |
| do.....                       | June 12  | Prichard, Ala.....         | Shot.                        |
| Clyde Ellison.....            | June 15  | Abbeville, S. C.....       |                              |
| Jim McMillan.....             | June 18  | Furth, Ark.....            | Hanged.                      |
| Frank Foukal (white).....     | June 22  | Star City, Ark.....        | Shot.                        |
| John Hatfield.....            | June 26  | Woodstock, Ala.....        | Do.                          |
| do.....                       | do.....  | Bay Minette, Ala.....      | Hanged (burned after death). |
| Lije Blake.....               | June 28  | Ellisville, Miss.....      | Shot.                        |
| Lemuel Walters.....           | June 17  | Tillman, S. C.....         | Hanged.                      |
| Robert Truett (soldier).....  | July 15  | Richton, Miss.....         | Do.                          |
| Chilton Jennings.....         | July 24  | Longview, Tex.....         |                              |
| Argie M. Robinson.....        | Aug. 1   | Louis, Miss.....           | Do.                          |
| Charles Kelly (soldier).....  | Aug. 5   | Gilmer, Tex.....           |                              |
| Jim Grant (soldier).....      | Aug. 15  | Clark County, Ala.....     | Shot.                        |
| Walter Eliot.....             | Aug. 20  | Fayette County, Ga.....    | Hanged.                      |
| Eli Cooper.....               | Aug. 28  | Cochran, Ga.....           |                              |
| Lucius McCarty.....           | Aug. 31  | Pope City, Ga.....         | Shot.                        |
| Flinton Briggs.....           | Sept. 3  | Louisburg, N. C.....       | Shot (burned after death).   |
| Bowman Cook.....              | Sept. 6  | Ocmulgee, Ga.....          | Do.                          |
| John Morine.....              | Sept. 8  | Bogalusa, La.....          | Shot.                        |
| L. B. Reed.....               | Sept. 10 | Star City, Ark.....        | Do.                          |
| Obe Cox.....                  | Sept. 13 | Monroe, La.....            | Hanged and shot.             |
| Salvador Ortiz (Mex.).....    | Sept. 13 | Jacksonville, Fla.....     | Do.                          |
| Jose Gonzales (Mex.).....     | do.....  | do.....                    | Hanged.                      |
| Robert Croskey (soldier)..... | Sept. 29 | Clarksdale, Miss.....      | Burned.                      |
| Miles Phifer.....             | do.....  | Oglethorpe County, Ga..... | Shot.                        |
| John Temple.....              | do.....  | Pueblo, Colo.....          | Hanged.                      |
| Will Brown.....               | do.....  | do.....                    | Do.                          |
| Ernest Glenwood.....          | Oct. 2   | Jonesville, La.....        | Shot.                        |
| Mose Martin.....              | Oct. 5   | Montgomery, Ala.....       | Do.                          |
| Jack Brown.....               | Oct. 6   | do.....                    | Do.                          |
| Will Brown.....               | do.....  | Omaha, Nebr.....           | Burned.                      |
| Mose Freeman.....             | do.....  | Americus, Ga.....          | Drowned.                     |
| Eugene Hamilton.....          | Oct. 16  | Washington, Ga.....        | Shot.                        |
| Alex. Wilson.....             | Oct. 21  | Lincolnton, Ga.....        | Burned.                      |
| Gus Jackson.....              | Oct. 23  | do.....                    | Do.                          |
| Henry Booth.....              | Oct. 26  | do.....                    | Shot.                        |
| Paul Jones.....               | Nov. 3   | Macon, Ga.....             | Burned.                      |
| (white).....                  | Nov. 6   | Buena Vista, Ga.....       |                              |
| do.....                       | do.....  | Skidmore, Ark.....         | Do.                          |
| do.....                       | do.....  | Shreveport, La.....        | Beaten to death.             |
| do.....                       | do.....  | Humboldt, Tenn.....        | Shot.                        |
| do.....                       | do.....  | Macon, Ga.....             | Burned.                      |
| do.....                       | do.....  | Stafford, Kans.....        |                              |



## Lynchings, 1919—Continued.

| Name.                     | Date.   | Place.               | Manner of lynching. |
|---------------------------|---------|----------------------|---------------------|
| Robert Motley .....       | Nov. 8  | Lambert, Miss.       | Hanged.             |
| Britt Smith (white) ..... | Nov. 11 | Centralla, Wash.     | Do.                 |
| Jordan Jameson .....      | Nov. 16 | Magnolia, Ark.       | Burned.             |
| Wallace Hayes .....       | Nov. 19 | Moberly, Mo.         | Shot.               |
| Neville Foxworth .....    | Nov. 28 | Madison, Ga.         | Do.                 |
| Sam Moseley .....         | Nov. 30 | Foxworth, Miss.      | Do.                 |
| E. D. Whitfield .....     | Dec. 15 | Lake City, Fla.      | Hanged.             |
| Earl Whitney .....        | Dec. 15 | Macon, Ga.           | Do.                 |
| Charles West .....        | Dec. 21 | Chapmanville, W. Va. | Shot.               |
| Powell Green .....        | Dec. 27 | Smithville, Ga.      | Do.                 |
|                           |         | Franklin, N. C.      | Do.                 |

## Lynching in the United States in the year ending Dec. 31, 1919, by States.

|                            |    |
|----------------------------|----|
| Alabama (1 white) .....    | 8  |
| Arkansas .....             | 10 |
| Colorado (Mexicans) .....  | 2  |
| Florida .....              | 5  |
| Georgia .....              | 22 |
| Louisiana .....            | 8  |
| Mississippi .....          | 12 |
| Missouri (1 white) .....   | 2  |
| Nebraska .....             | 1  |
| North Carolina .....       | 4  |
| South Carolina .....       | 2  |
| Tennessee .....            | 1  |
| Texas .....                | 3  |
| Washington (1 white) ..... | 1  |
| Kansas (1 white) .....     | 1  |
| West Virginia .....        | 2  |

Total (78 colored, 6 whites) .....

84

## The manner of lynching was as follows:

|                        |    |
|------------------------|----|
| Burned (1 white) ..... | 14 |
| Shot to death .....    | 31 |
| Hanged .....           | 24 |
| Beaten to death .....  | 2  |
| Cut to pieces .....    | 1  |
| Drowned .....          | 1  |
| Manner unknown .....   | 11 |

Total .....

84

## The alleged causes are as follows:

|   |    |
|---|----|
| Member of Non-Partisan League .....                         | 1  |
| Insulting white woman .....                                 | 5  |
| Altercation with white man .....                            | 1  |
| Attempting to pull white woman from horse .....             | 1  |
| Trouble between white and colored cotton-mill workers ..... | 1  |
| Assault on white woman .....                                | 14 |
| Murder .....  | 27 |
| Insulting white woman .....                                 | 1  |
| Shooting white man .....                                    | 7  |
| Attempted assault on white woman .....                      | 5  |
| Result of race riot .....                                   | 1  |
| Talking of Chicago riot .....                               | 1  |
| Not turning out of road for white boy in auto .....         | 1  |
| Leader among negroes .....                                  | 1  |
| Circulating incendiary literature .....                     | 1  |
| Misleading mob .....  | 1  |
| Boastful remarks re killing of sheriff .....                | 1  |
| Intimacy with white woman .....                             | 2  |
| Found under bed in white man's house .....                  | 1  |
| Expressing himself too freely re lynching of negro .....    | 1  |
| Causes unknown .....  | 4  |
| Assault on white man .....                                  | 1  |
| Beating and robbing white man .....                         | 1  |
| Abetting riot .....   | 4  |

Total .....

84

A man whose cowardly heart and brutal instincts will prompt him to overpower and outrage a delicate, refined, and modest woman is considered in the South as beyond the pale of the law.

This statement is not made in advocacy of lynch law, but it is made because it is a fact that in the southern country the chivalry of the men is such that they would rather take the law in their own hands than see a lady who has been outraged by a brute forced to go into the court room in the presence of the gaze of spectators who are congregated through a morbid curiosity and there have to recite in detail and live over again all of the horrible occurrences.

There are other ways in which mob violence can be avoided much better than the one suggested in this bill, which provides for the transfer of cases from the State courts to the United States court and for the severe punishment of the officials in whose custody a man happens to be when he is mobbed and the municipalities in which not only the mob occurs but through which those passed who are engaged in the mob. All these cases are to be taken out of the State courts and transferred to the United States courts on trials for damages as well as for criminal punishment.

The better way is for all such cases to be tried rapidly and under a statute which provides for every safeguard of the accused, and the punishment to be swift and sure, as it is under military court-martial. But when the ravisher is allowed to delay his case in the courts and his punishment is delayed, it is

not surprising that the people become impatient and demand speedy vengeance.

About a year ago a negro in the city of Washington—the Capital of this great country of ours—entered the bedrooms of three different young ladies in three different homes in the fashionable section of the city on the same night and attacked each one of them. One of them so vigorously repelled the attack that he killed her outright. For this offense he has not yet been punished, and a strong effort is being made at this time to save his life.

Only this week here in Washington at the Highway Bridge a negro attacked a man and his fiancée, shot the man, killing him instantly, and dragged the young lady off into the bushes near by, and while it is supposed that he will ultimately be punished for this crime there is a strong sentiment seeking to defend him.

How can it be expected with such examples as these, and many others which could be enumerated, that people will patiently wait for the tardy action of the courts and the law's delays in meting out punishment.

The report on this lynching bill casually refers to an incident which happened in the city of Washington about a year ago, in which many white men were killed by negroes, and if any of them have been punished it has not been brought to my attention. They seek to dignify this occurrence by calling it a race riot. Enough has been stated with reference to this, but I do not wish to close my remarks along this line without calling attention to the fact that in the South there is a protection for the negro equal to that accorded him in any other section of the country when he obeys the laws and keeps his hands off of the pure women of the South. This statement is not an argument in favor of mob law, but is made for the purpose of showing why the people in the South in many instances are so aroused to a pitch of indignation and wrath that they do not restrain themselves, and for this reason there should be enacted a law providing for swift and sure punishment for that class of offenders who are usually held to account through mob violence.

In commenting on this antilynching bill, which provides for the transfer of cases from the State courts to the United States court, it is proper to state that it is an infringement upon the rights of the States, and it will not be tolerated with any degree of allowance.

Francis Ferdinand, the Austrian Crown Prince, was murdered at Sarajevo, Serbia, by Gavrilo Princip in 1914. Austria claimed the right to take part in the investigation and punishment for the offense. Serbia stood back on her right as a State to investigate and punish criminal offenses, and the great World War ensued as a direct result.

There are times that people, although helpless and dependent, will rise up in their might and assert their rights at all hazards, and it is in the defense of these rights of the States that I protest against such sectional measures as the Dyer bill, as well as many similar measures which are sought to be enacted by this Republican Congress.

While 40,000,000 white people died either in the late war or as a result of that war, leaving that many more colored people in proportion, still the white people of this earth are in the ascendancy through their intelligence, religious characteristics, and superior refinement; but we must bear in mind that the numbers of the white race are rapidly decreasing in the proportion which they bear to the colored races of the world, although the white race has doubled in population in the last 300 years, being now about one-third of the population of the globe.

The time may come when the various colored races may decide to combine against the white race, and with their experience when Japan overcame the Russians in that clash between the yellow and the white race, it is to be presumed that they will be encouraged to believe that they are invincible in such a conflict.

The sectional statutes which are sought to be enacted will naturally array the negro against the white man, and if a final clash should come between the races it is evident what position the negro race will take.

In the South he is treated with every consideration. The laws are enforced in his behalf just the same as they are in behalf of the white man. His school and church privileges are the same; his rights of property are respected; but he does not claim or expect social equality. The white man and the negro of the South understand each other and, if left alone to work out their own destiny, will have no trouble in living peacefully and contentedly, and nothing but sectional animosity and an effort to array the negro against the white man will ever cause the negro to rise up against the white man, and I do plead with

the people of the North to lay aside any sectional feeling which they may have and reconcile themselves to the fact that no more loyal, patriotic people live on earth than those in the southern section of this great, united country of ours.

Mr. IGOE. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. The gentleman has 11½ minutes remaining.

Mr. IGOE. And how much on the other side?

The SPEAKER pro tempore. Seventeen and one-half minutes remaining to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. IGOE. Mr. Speaker, I yield myself 6½ minutes.

Mr. Speaker, in the first place, I want to say that I think I have supported in my service here every measure that has been proposed in the interest of the farmer. The necessity for this bill comes from the fact that in the Clayton Act the exemption is for cooperative associations without capital and not organized for profit but for the mutual benefit of the members. It was stated to the committee that the purpose in coming before them was to ask that the restriction against capital stock be removed, and if that was the question that was presented to this House to-day, then you would have the real question that is at issue between the farmers and the Government officials who are seeking to enforce the present law.

There has not been before the committee a representative who upon cross-examination was willing to admit that the farmers wanted anything more than the privilege of having capital stock in their cooperative associations. I say to this House if you want to meet that proposition all you have to do is to amend the section of the Clayton Act and strike out the words "without capital stock" and you have met it. But there are interests in this country who are hiding behind the farmers, and for some reason or other they have in their behalf the aid of the representatives of the farmers here in Washington. I believe the people who oppose the bill are more the friends of the farmer than those who are supporting it.

Now, what is the situation? If you will examine this bill, you will find in section 1 a provision which says:

And such producers may organize and operate such associations and make the necessary contracts and agreements to effect that purpose, any law to the contrary notwithstanding.

Now, what was the situation in the California cases? It was that these associations when organized went out in competition with other business and other individuals, and sought to violate every law upon the statute books. They sought to put every competitor out of the business by price agreements. They sought to put them out of business by various unfair means and methods, and, finding themselves against the law, they come now and ask for this proposition. But when the attorney who represented them was before the committee and this proposition was put up to him plainly and he was asked whether he wanted that provision in the Harsman law, which has been incorporated in this, he said, "No; we do not. We want the right to have capital stock, and if we have that we are willing to abide by their law."

Mr. BARBOUR. Will the gentleman yield?

Mr. IGOE. No; I regret to say I can not yield.

Here is the proposition: It is not to allow these farmers to cooperate and have capital stock. It is to allow them, after they are incorporated, to go out and do anything which any other corporation or individual can not do. Now, what is the effect of it? Take, for instance, the milk situation in the big cities. These people now have their cooperative associations without capital stock, but if they get this they can violate the laws against unfair trade, and they can go to the people who deliver the milk and say, "We will sell you our milk, but on condition that you handle our milk exclusively. If you handle any other we will not sell to you." And they can control the prices the distributor may charge. They can say to the distributor, "We will allow you to sell our milk, but you must charge a certain price and give us a certain price." And so the big packers of this country under this law, if they desire to do it, could organize the ranchmen of the country and say to them, "Now, we will distribute your product and make an agreement as your agent to charge a certain price," and under this law they are absolutely free from every law on the statute books—the Sherman Act, the Clayton Act, the laws against unfair competition—and can go out in the country and take from the consumers as much as they want.

Let me tell you another thing, you friends of the farmer: If you get one of these cooperative associations in your country they can go to the farmers who do not want to come in and say to them, "If you do not come in we will break you." And I will tell you now that they are doing it in some of the States. They are doing it in the State of Michigan, where the beet farmers have gotten together—

Mr. CRAMTON. Will the gentleman yield.

Mr. IGOE. No; I can not yield.

Mr. SABATH. I want to say that what the gentleman said is true.

Mr. IGOE. I have been informed that unless they sell upon the terms of the association they have been threatened, and the gentleman can deny it in his own time.

The SPEAKER. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. FOCHT. I understand that in the process of this legislation there will be an opportunity whereby the producer will receive some measure of protection from what might now be characterized as the biggest grafters in America, the commission merchants of New York, Philadelphia, and other cities. Nearly every Member of Congress has received word from home, from those who go among the farmers and gather up produce and send it to the cities, that they fail to get any return, and we have been overwhelmed and besieged and importuned to relieve this condition.

That is one phase of it. Another phase is the protection that the consuming public will have with respect to the products of the farm. Notwithstanding the fact that we have cold storage everywhere, the farmers, or this combination, this union, whatever it is, or whatever you call it, will not be able to so conserve the products as to fix the price to an inordinate amount, for the reason that nearly everything, in fact, everything that is produced on the farm is perishable, and the first thing that a farmer wants is a market. He must sell his product, in order to get anything, at least some time during the year. Therefore he must dispose of his products, and the people will have in that one point and feature of the bill ample protection from any such thing as profiteering on the one hand, while on the other there will be no more grafting of the huckster such as has recently been carried on by the commission men, commission merchants of Baltimore, Philadelphia, New York, Boston, Cleveland, Buffalo, Chicago, St. Louis, in fact, every city, by no means excepting Washington. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Georgia [Mr. UPSHAW].

The SPEAKER pro tempore. The gentleman from Georgia is recognized for one minute.

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, the declaration during this debate that agriculture is the basic industry of the world should find a companion truth in the declaration that the principle of collective bargaining by workers and producers is the basis of a square deal for both labor and capital.

I have the honor of representing the greatest city of the Southeast. I enter into every business man's legitimate purposes and rejoice in his legitimate success. But it is as clear as the light that if merchants and manufacturers and bankers have the right to assemble their capital in order that they may buy and sell and get gain, if the workingman in the city has the righteous right to assemble his only capital of the horns on his hands and the sweat on his brow to better his condition—and no man dare deny him that right—then surely the farmer, who works from daylight to dark to feed and clothe the world, must have the same right. [Applause.]

#### LEGISLATING FOR RURAL HAPPINESS.

My chief reason for being in favor of this legislation in behalf of farmers is because I want to see everything done for the farmer that can possibly be done to encourage agricultural life. I want to see farm life made so attractive from every angle that the stalwart young manhood of America will be glad to elect the farm as a life vocation. The drift from the farm to the congestion of city life is a dangerous, an almost fatal tendency in our American life. Production must be increased or the high cost of living will never come down. The world must be fed, the world must be clothed, and the ever-increasing demand for these necessities that must come first-hand from the soil furnishes the basis of a marvelous prosperity for the man who determines to dedicate his energy, his enterprise, his informed genius to the many-sided opportunities of farm life.

STANTON SAYS, "STICK TO THE FARM."

So appalling is the need of greater production and so fraught with danger is the desertion of the farm for the congestion of the city that thoughtful, farseeing men are gravely concerned. The patriotic question is asked on every side, "How shall we



remedy the situation? What can be done by legislation or by general education to hold the purposeful youth of to-day on the farm? And what can be done to turn the tide of millions in the city back to the farm—literal millions who freeze in winter, faint in summer, and live from hand to mouth all the time?"

Certainly if these improvident millions who must be fed and clothed can not be induced to go to the farm and share the prosperity that would come from helping to feed and clothe the world, then it is an economic and a highly patriotic duty to legislate and educate in every possible way to make the sons and daughters of the soil "stick to the farm" and develop the farm more and more unto the fundamental prosperity of the individual and the Nation.

Frank L. Stanton, Jr., of Atlanta, the gifted son of Georgia's beloved poet-laureate, the James Whitcomb Riley of the South, has inaugurated a thoroughly unique and workable plan of educational advertising, entitled "Stick to the farm."

It is suggested by him that the Department of Agriculture take charge of the movement and go after every conceivable agency in America to boost the campaign until the slogan, "Stick to the farm," articulates from every wayside fence and stump and stone and flash in blazing letters from the "burnished ceiling of the sky."

Thus the dangerous drift from the country to the city will be arrested, and by proper education, legislation, industry, and enterprise the farmer will indeed "make two grass blades grow where one was growing before" and gardens of roses shall blossom where thorns and thistles erstwhile grew. And thus the agricultural prosperity of the country will put its soothing hand on the fevered pulse of national unrest, sending from the happiness and contentment of rural life the inspiration of its schools and the purity and warmth of the "old-time religion" of its progressive country churches that splendid, God-fearing citizenship which must be the safety of America and the hope of all mankind.

#### DEMOCRACY AND CONSTRUCTIVE LEGISLATION.

This argument growing out of my lifetime interest in the farmer—for I was born on a farm and chiefly reared between the plowhandles—ties itself naturally to my interest and pride in the constructive legislation of the Democratic Party.

This is not said in a narrow sense, but out of simple loyalty not only to the party of my fathers but to what I honestly conceive to be the fundamental principles of Democracy and good government.

It was a notable thing that lifelong Republicans like Henry Ford and Thomas A. Edison declared in 1916 that the Democratic Party, under the first four years of President Wilson's administration, had put more laws on the statute books that really reached and helped humanity than the Republican Party had enacted during its whole lifetime, and for that reason they left their lifelong Republican affiliations and gave substantial and enthusiastic support to the Democratic ticket. And, as a matter of information and history, I give here an epitome of some of the notable and practical legislation of which the Democratic Party is justly proud and for which the whole country, irrespective of political lines, should be grateful:

#### CONSTRUCTIVE LEGISLATION.

1. Currency reform: By the enactment of the Federal reserve act the industrial and commercial interests of the United States have been emancipated by Democratic agency from domination by special interests. The Nation was freed from the danger of financial panics and the foundation laid for the existing wonderful prosperity of the country.

2. Rural credits: The passage of the Federal farm-loan act remedied an imperative need entirely ignored by the Republicans for years and assures adequate means of providing capital at fair rates of interest for the further development of the agricultural resources of the United States and promises an annual saving to farmers of \$150,000,000 a year.

3. Good roads: In the new Federal good-roads law, approved by the President last July, the Democratic administration makes available \$75,000,000 for the development of highway systems throughout the United States under safeguards which prevent wasteful use of the money.

4. Tariff revision downward: In keeping with the platform pledge of 1912 the Democratic Party revised the tariff downward and put the Underwood tariff law upon the statute books, thus unfettering industry and commerce, depriving monopoly of its former control over production, distribution, and prices, and providing adequate customs revenue for the maintenance of the Government.

5. Income tax: The income-tax law, opposed by the Republican Party for a generation, shifts the burden of taxation from those least able to pay to those best able to pay.

6. Tariff commission bill: In this measure creating a tariff commission the Wilson administration takes an important step toward eliminating the tariff from politics and affords assurance of protection to American manufacturers against any emergency which may follow the close of the war in Europe.

7. War revenue: To meet the cost of "preparedness" the Wilson program increases the income tax, provides for an inheritance tax, and levies a special tax upon munitions of war. Many Republican Members of Congress have voted for this plan.

8. The Federal Trade Commission: This new commission in the year and one-half of its operation with signal success has supplied

the demand for a tribunal to arbitrate commercial disputes, to prevent "unfair competition," and to do justice between the public and the great industrial corporations.

9. Direct election of United States Senators: A reform inspired and carried into effect by Democrats, which does much to restore popular Government at Washington.

10. Seamen's act and safety at sea: By a series of laws, chief of which is the seamen's act, working conditions of sailors in the American merchant service are improved and precautions are taken to avoid the fearful loss of life at sea that accompanied the *Titanic* disaster.

11. Revision of trust laws: In the face of persistent opposition of the special interests and at a time when the greatest international questions press upon the President and Congress, a complete revision of the antitrust laws was secured and is now in force.

12. Agricultural extension: Under the Smith-Lever agricultural extension act elaborate machinery has been put into operation by Woodrow Wilson that involved the expenditure of nearly \$5,000,000 during the last fiscal year, a sum which will increase automatically year by year until 1922, for the dissemination of scientific knowledge concerning farm operation and management. This law is expected to double the productiveness of American farms.

13. Workmen's compensation: A model measure has passed both Houses and will extend this protection to thousands of Government employees.

14. Labor's magna charta: Laws have been enacted preventing the abuse of the injunction in labor disputes and legally declaring the labor of a human being not a commodity open to barter and sale like inanimate things.

15. Child labor law: President Wilson's personal intervention brought about the enactment of this important social-justice measure, which uses the Federal power to emancipate children from industrial oppression.

16. Eight-hour day: To the laws passed by the Democratic majority of the House in the Sixty-second Congress applying the eight-hour day to all work done by the Government, whether directly or by contract, has been added the act requiring the eight-hour workday for women in the District of Columbia.

17. Industrial employees' arbitration act: A law secured by the President that establishes the United States Board of Mediation and Conciliation and affords the Government better facilities for preventing or settling great railway and industrial strikes.

18. Cotton futures act: Gambling in cotton is dealt a death blow by a cotton futures law enacted by Democrats after the subject had been evaded by Republicans for two decades.

19. Grain standards: A law giving the Secretary of Agriculture authority to establish official grain standards, simplifying relations between grain producers, dealers, and consumers, was enacted last August.

20. United States warehouse act: Warehouse receipts are made more acceptable collateral, which enables owners of stored products to obtain loans more nearly approximating the full value of their products.

21. Parcel post: This service has broken up an extortionate monopoly by private express companies and has been developed from a mere shell to the most gigantic, useful, and far-reaching express service in the world.

Gentlemen, you might as well "shell down the corn." That is a list of wholesome legislative achievements that will forever crown the Democratic administration that enacted them with a halo of statesmanship and practical humanitarian sympathy in action.

And then came the Great War, which we rightly tried so hard to avoid, but from which we could no longer hold ourselves aloof and preserve our national safety and our international prestige and honor. Under Democratic guidance it was a common challenge and a common victory. Let us thank God for the wonderful victory and face the burden and the future like patriotic Americans. [Applause.]

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Virginia [Mr. MOORE].

The SPEAKER pro tempore. The gentleman from Virginia is recognized for one minute.

Mr. MOORE of Virginia. Mr. Speaker, I understand that the chairman of the committee will offer an amendment, which I would like to take the minute in saying, in my opinion, will greatly improve the bill and render it more acceptable to the friends of the agricultural interests; and I mean by the friends of the agricultural interests those who recognize the paramount importance of doing everything properly within the scope of legislation that is possible to stimulate and encourage agricultural production.

At some future time I shall ask the privilege of addressing the House on that subject, which is of as much interest to me as any subject the House can consider. Meanwhile, I ask permission to revise and extend my remarks in the Record.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield half a minute to the gentleman from Maine [Mr. HERSEY].

The SPEAKER pro tempore. The gentleman from Maine is recognized for half a minute.

Mr. HERSEY. Mr. Speaker, in order that I may give my reasons in support of this measure, I ask the privilege of extending my remarks on the bill.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Kentucky [Mr. FIELDS].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for one minute.

Mr. FIELDS. Mr. Speaker, the bill under consideration, H. R. 13931, is designed to promote the interests of the farmers of the country by vesting in them the legal right to form associations for the marketing of their products, a privilege that is denied them under present laws. The bill is therefore correct in principle, and should receive the support of every Member of the House.

The committee's report on the bill reads as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 13931) entitled "A bill to authorize association of producers of agricultural products," having considered the same, report it with the recommendation that it do pass.

The object of this bill is to authorize the producers of agricultural products to form associations for the purpose of collectively preparing for market and marketing their products.

Section 1 defines and limits the kind of associations to which the legislation applies. These limitations are aimed to exclude from the benefits of this legislation all but actual farmers and all associations not operated for the mutual help of their members as such producers. Unless each member has but one vote in his association, irrespective of the amount he may have invested as capital therein, the association must not pay a dividend of to exceed 8 per cent per annum. This limitation of 8 per cent is designed to compel payment to the members of as large a part of the proceeds derived from the sale of their products as possible, instead of paying it as a dividend upon the money used as capital. A number of farm associations oppose the payment of any dividend on capital, while others insist that they need a capital and must have the privilege of paying dividends. Eight per cent was fixed for the reason that in many places money can not be borrowed at a less rate, and that hence a less rate would prevent some of these associations from obtaining the necessary funds to carry on their business. The aim has been to make the provisions of the bill sufficiently liberal so that all cooperative farm associations operated in good faith for the benefit of their members might avail themselves of the provisions of this bill. The bill does not, however, compel any association to change its present organization nor does it create any new organizations. Associations will continue to be formed under State laws as heretofore. In States where it is illegal to operate an association such as the ones permitted under this bill, it will, because of the nature of such associations, be practically impossible to operate under this legislation, as the bill only grants the right to operate in interstate and foreign commerce. That is the only power that Congress can confer upon such associations.

Section 2 makes applicable to these associations in a modified form the provisions of the Clayton Act. Briefly, it gives the Secretary of Agriculture power to prevent these associations from exploiting the public. In the event that any association should refuse to comply with the order of the Secretary, a suit may be brought in the appropriate district court to enforce his order. The farmers are not asking a chance to oppress the public, but insist that they should be given a fair opportunity to meet business conditions as they exist—a condition that is very unfair under the present law. Whenever a farmer seeks to sell his products he meets in the market place the representatives of vast aggregations of organized capital that largely determine the price of his products. Personally he has very little, if anything, to say about the price. If he seeks to associate himself with his neighbors for the purpose of collectively negotiating for a fair price he is threatened with prosecution. Many of the corporations with which he is compelled to deal are each composed of from thirty to forty thousand members. These members collectively do business as one person. The officers of the corporation act as agents of these members. This bill, if it becomes a law, will allow farmers to form like associations, the officers of which will act as agents for their members.

While this bill confers on farmers certain privileges, it can not properly be said to be class legislation. Business corporations have under existing law all the powers and privileges sought to be conferred on farm organizations by this bill. Instead of granting a class privilege, it aims to equalize existing privileges by changing the law applicable to the ordinary business corporations so the farmers can take advantage of it. Instead of granting to farmers a special privilege, it aims to take from the business corporations a special privilege by conferring a like privilege on farm organizations. It is no answer that farmers may acquire the status and secure the rights of a business corporation by deeding their farms to a corporation. That is neither practical nor desirable from any standpoint. Without doing that they can not associate themselves together for the mutual profit of the members without being threatened with prosecution.

New York, Pennsylvania, Illinois, Wisconsin, Minnesota, and a number of other States have granted the right to form associations such as those contemplated in this bill. But these States can not confer any right upon their organizations to engage in interstate or foreign commerce. This bill is designed to grant that right. Associations of this kind are common in European countries and have been in operation for many years. Their effect has not been to raise prices to the consumer. In many instances the effect has been the reverse. They have tended to prevent much of the gambling in foodstuffs and to eliminate many of the useless middlemen that stand between the producers, the retailers, and the consumers. It is one of the chief problems of these associations to reach the consumer with as little expense as possible. Farmers ought to be given a chance to do that. The high cost of living can not be solved by discouraging agriculture. It must be solved by fair treatment of those engaged in that pursuit. To maintain his self-respect and the dignity of his occupation the farmer must be given an opportunity to deal in selling his products on an equal footing with those who purchase them. He should be given an opportunity to help solve in a rational and fair way the problems involved in the high cost of living.

The report, Mr. Speaker, fully explains each provision of the bill. As will be noted, the first section of the bill provides for

the association of producers for the marketing of their products, which will give them protection against the gamblers in agricultural products, who rob the producer with one hand and the consuming public with the other. It also provides that the association shall not earn a dividend in excess of 8 per cent, which will protect all the members of an association against the possibility of a few of its officials getting control of it and consuming the profits to which the farmer is entitled by paying to themselves exorbitant salaries for conducting the business of the association.

Section 2 of the bill safeguards the interest of the public by giving to the Secretary of Agriculture power to go into the courts to prevent an association from exploiting the public, should an association decide to do so. Therefore, both the producers and the consumers are protected in their legitimate rights by the provisions of the bill.

Mr. Speaker, the greatest menace with which the farmer is confronted to-day is the gambler in agricultural products, who plays no part in nor contributes to the production of those products. The greatest evil with which the consuming public is confronted is the profiteer, who exacts exorbitant profits upon the necessities which the public must consume. The country is suffering more to-day as a result of these two evils than from all other evils combined, and they should be corrected by legislation as far as it is possible to correct them in that way.

The President requested the Congress some ten months ago to immediately enact legislation to curb the profiteers and gamblers in food products and other necessities of life, who had become entrenched by war conditions, but his request was ignored by the majority party in Congress, which controls the legislative policy of both branches of Congress.

Mr. Speaker, I venture the assertion, and do it without fear of successful contradiction, that if the Republicans in both branches of Congress, who have a majority in each branch, had devoted half the time to legislation designed to prevent gambling in agricultural products on the one hand and profiteering in the finished products on the other that they have spent in investigating and criticizing the President and the conduct of the war, all of which was done for their political advantage, the gambler in agricultural products and the profiteer in the necessities of life would to-day be out of business so far as it is possible to put them out of business by the enactment and enforcement of law. Of course, everyone understands that it is impossible to enact any law that will totally prevent the commission of crime. Some men will commit infractions of the law regardless of the penalties for such infractions.

We have statutes against pistol toting, with penalties for violations of its provisions, but yet men carry pistols. We have statutes against murder, manslaughter, and assault and battery, and so forth, with severe penalties for the commission of those acts, yet men commit such acts. But they are not committed so frequently and so dastardly as they would be in the absence of any statute prohibiting the commission of such acts and punishing those who do so.

The bill under consideration, however, is a step in the direction requested by the President nearly a year ago, and I commend the Committee on the Judiciary for taking that step by framing and reporting to the House this bill. I only regret that we have not been given an opportunity to consider and pass other bills necessary to cure other evils in our economic system that have grown out of war conditions.

Mr. Speaker, the effects of this bill, if it becomes a law, will not be temporary, nor will its benefits be confined to the producers and consumers of the products that will be sold through the associations which the bill authorizes, but it will contribute to the life and prosperity of the Nation by increasing the production of the soil by providing for the tillers of the soil better and safer markets for their products. History will bear me out in the assertion that no nation ever ceased to exist as a nation except for one of two causes—first, by being overrun and subjugated by a superior power, or, second, by failure to produce from the soil the things essential to the life of its people. Therefore that which will increase the production of the soil is not alone of importance to the tillers of the soil but is of interest to the Nation as a whole, first, from an economic standpoint, and, last, but not least, by contributing to the life of the Nation. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired. Does the gentleman from Missouri [Mr. IGOW] desire to use the balance of his time?

Mr. IGOW. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has five minutes.

Mr. IGOW. I yield five minutes to the gentleman from Texas [Mr. YOUNG].



The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. YOUNG of Texas. Mr. Speaker and gentlemen of the House, I regret—coming from a great productive region, as I do, where my people are farmers and where a bill like this is offered on the floor of this House which is said to be a bill in the interest of farmers—that I can not see in the bill that there is anything on which the farmer may depend for any relief from the present conditions. This is, so far as the matter of government is concerned, a piece of class legislation, group legislation, pure and simple.

I have always adhered to the belief, and still adhere to the belief, that the great agricultural masses of this country do not want any special privileges, and they do not want the other fellow to have any. [Applause.] I have always felt that when the testing day came to this Nation as to whether or not it would be overthrown by virtue of legislation for groups of people and combinations of groups we should look back to the great agricultural masses which stand back there and hear them say, "We have never demanded a special privilege for ourselves, and we are going to fight special privileges to others." This bill violates that principle, and we have got to look to the farmers of this country to protect the Nation in the years to come.

Now, what does this bill do? Take section 2, where you put your power in one man. If he is a good man, he might not abuse that power; but it is a man that you are reposing upon and intrusting the power to. The Secretary of Agriculture is given the power to determine the proposition as to whether farmers are combining to profiteer in wheat, cotton, or other agricultural products. That is a power that ought not to be put in a governmental agency. It is a safe rule not to vest such a power by statute; and yet you are vesting that power here in the Secretary of Agriculture, a power over the destiny of the farmers of this Nation.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I can not yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. YOUNG of Texas. Let me show you where you are putting yourselves. I represent a section that clothes the world.

Cotton is the great crop in my section. Other gentlemen here come from sections where grain is produced. Both of these great crops—cotton and grain—are more or less affected by the operation of the cotton exchanges and the grain exchanges. If I were a gambler on the cotton exchange I would ask you to give this power to the Secretary of Agriculture and let there be an organization formed to handle the cotton crop. Ah, how I would lay my plans if I were a gambler on one of those exchanges, and I would come to the Secretary of Agriculture, and I would hold the cotton farmers of the South up to scorn, and I would demand a hearing, and I would have everybody who wanted to consume cotton up in the air. Nobody would know what this man to whom you give this power is going to do, or what effect it will have on the men who are growing cotton in Texas. They have no market. It destroys their market. The same would be true as to wheat and as to every other great agricultural product, and when you write it on the statute books of the country you are giving the farmer additional trouble to deal with. If this is the last vote I ever cast on a great, important agricultural proposition, my vote shall be cast against giving this power, when I know of the manipulations of the gamblers on these exchanges and elsewhere who will take advantage of this power and always keep the farmers' market in an uncertain condition. The same thing is true as to cattle and as to wheat and the other great crops of this country.

But, to go back to my text, the only thing that I, the farmer, want is that I get no special privilege, and, in the name of God, give no special privilege to the other fellow. [Applause.]

Mr. VOLSTEAD. I yield two minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I do not consider that this measure grants any special privilege to agriculture. It rather appears to me that it is only confirming a natural right which agriculture ought to enjoy, whose exercise is not inimical to the legitimate interests of other people. No farmer can compete alone with the conditions that surround him. We all know that it is economically impossible for any individual farmer to compete with the conditions under which he must live. When he buys from a merchant he buys at the merchant's price, and he has no power to compel the merchant to reduce the price. When he buys agricultural machinery from implement houses he has no power as an individual to exercise a voice in determining the price he pays for it.

When he sells his product, it matters not whether it be corn, wheat, live stock, tobacco, or anything else, he must sell it at a price dictated not by himself but by others who have had no part in its production. For that reason I favor the passage of laws that will enable him and encourage him to cooperate with others similarly situated in order that greater efficiency may be secured and in order that the farmer may produce that which must feed and clothe us under conditions that will encourage the greatest production and conservation. The world needs more production. It is essential. If production is to increase, the conditions of marketing the produce of the farms must be improved and simplified. This measure, we hope, will assist in accomplishing this result.

There are some things in this substitute for the Capper-Hersman bill, which is now presented by the gentleman from Minnesota [Mr. VOLSTEAD], with which I do not entirely agree. But the bill is presented under a procedure that makes its amendment impossible, and I shall vote for its passage, in the hope that as finally enacted into law it may be instrumental in greatly improving the marketing conditions under which those engaged in agricultural pursuits are now laboring.

Mr. VOLSTEAD. I yield two minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, if I construed this bill in the same manner as many Members do, especially as those who oppose it construe it, I should not be inclined to favor it. I do not believe that the provisions of this bill confer upon the farmers any privileges which they did not have before. Certainly it does not confer upon any corporation organized by farmers any power which a corporation does not now have and which corporations are every day exercising. The bill gives them the right to organize for the purpose of marketing their products and authority to do any act which is necessary for that purpose. A careful examination of the bill convinces me that beyond that the bill gives them no privileges whatever.

The question may be asked, Why enact a bill under such circumstances? The reason is that the farmers are fearful to go into these associations because some of them have already been prosecuted under the antitrust laws, although those prosecutions have failed when it has been found they were merely entering into proper associations.

There is one provision in the bill that I do not like. The farmers are authorized to enter into these associations for the purpose of marketing their products, "any law to the contrary notwithstanding." This provision ought to have been stricken out of the bill. It is wholly unnecessary, and if it had any meaning I should not vote for the bill, as it would make the bill clearly unconstitutional. No law is constitutional that punishes one man and exempts another from punishment for the same act.

Mr. Chairman, for years I have made a careful study of the antitrust laws. Some 25 or 30 years ago I was a delegate to the convention to consider the regulations of trusts, which was held at Chicago. I have never believed in lowering or relinquishing any of the antitrust regulations. If this is done for one, it will eventually have to be done for all. If it is done for one class, it will encourage another class to come in and ask for the same exemption. In the end there will be nothing left of the antitrust laws. But no act provided for in this law is made illegal by the antitrust laws. Everything that an association can do under this law has been done for years by farmers' associations all over the country. In my own district we have had for years a highly successful and very beneficial association of the grape growers for the purpose of marketing their products. No one has ever dreamed of interfering with this association, and I would have had no hesitation in guaranteeing to the association that as long as they continue doing business in the manner in which they have heretofore carried it on that they violated no provision of the antitrust law. This association has been, and I have no doubt will still continue to be, simply an association for the purpose of marketing the products of its members. It has not been an association for the purpose of forcing up prices, and it has always offered its products for sale on the same terms to everyone. Consequently, its directors have gone ahead with a clear conscience, knowing that they were complying with the law.

Unfortunately, the Sherman antitrust law has been befogged by court decisions, and the farmer has, I think, been unnecessarily alarmed as to what proceedings might be taken against him under it. Instances were given of unjustifiable prosecution of farmers under the antitrust law, but I would not regard that as a reason for enacting this law. There are unjustifiable prosecutions under every criminal law. Some of them started in good faith, and some, of course, began through malice. The real

reason for the enactment of this law is, as stated by the gentleman from Illinois [Mr. MANN], to encourage the formation of farmers' associations, in order to lessen the great cost of getting their products on the market, which is now altogether out of proportion to what it should be. I believe that when these associations are formed they will be beneficial alike to producer and consumer, and that if these associations are parties to any combination which is now unlawful, the provisions of this bill will not alter the situation in the least. If such a construction could possibly be put upon its terms—and I think it could not—then the courts would declare the bill itself unconstitutional.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. WALSH. Reserving the right to object, is it on this bill?

Mr. BARKLEY. I desire to revise the remarks I have just made on this bill.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, I made some remarks on this bill last Friday, and I wish to revise and extend them.

The SPEAKER pro tempore. The gentleman asks unanimous consent to revise and extend his remarks on this bill. Is there objection?

There was no objection.

Mr. VOLSTEAD. I yield one minute to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Speaker, I am heartily in favor of this bill. Under it I believe farmers will cooperate and will eventually eliminate the middleman, and by so doing they will bring their products to the consumer at a much cheaper rate than the consumer now pays and with a better profit to themselves.

This bill is, in substance, the Capper-Hersman bill. The object of this bill is to authorize farmers to form associations for the purpose of collectively marketing their products. We have a law similar to the proposed law in Wisconsin. The State laws can not confer any right upon their organizations to engage in interstate or foreign commerce. This bill will confer this right.

#### NEED OF LEGISLATION.

In the last few months more than 30 reputable farmers of the country have been indicted and placed on trial for collectively selling their milk for city distribution. So far, five trials of these men have taken place, and in each case the men have been acquitted. Farm organizations have been prosecuted in California, Minnesota, Illinois, and Ohio. In each case middlemen were responsible for the prosecution. In each case the farmers were acquitted by juries, but after expensive trials. It is a high compliment to the American sense of justice that the juries of laboring and business men sitting in these cases, after hearing volumes of evidence, and with the city press attempting to prejudice the case of the defendants, have quickly acquitted the defendants.

#### WHAT THE BILL PROVIDES.

This bill has the indorsement of practically all the farm organizations of America. It does not compel any existing farm organization or society to change its present organization. Associations will continue to be formed under State laws as before. The rights of the public are in every way safeguarded. The Secretary of Agriculture is given power to prevent any association organized under this law from exploiting the public, even if it was possible or the farm organization was so inclined. The farmer in the past has never been able to fix the price of the products he produced. The same corporations that fix the prices of farm products through the boards of trade, cold-storage warehouses, and other combinations of great corporations also fix the prices of everything the farmer buys. He is thus ground between two millstones. As a result, there is a great movement away from the farms.

#### DECREASE IN RURAL POPULATION.

Forty years ago in the United States 70 per cent of our population was a rural population. To-day only 35 per cent of our population live on the farms. The tax returns show that for every dollar of net income returns from the farms of the United States the manufacturers have returned \$72. It is natural for people to seek the most remunerative occupation. This accounts for more young men going into business than becoming farmers.

In a speech that I made in the House of Representatives on the sugar question May 25, 1920, on pages 7614 to 7617, CONGRESSIONAL RECORD, I gave a list of a great many cor-

porations that were making over 100 per cent yearly, and I cited a case of a coal company that paid profits in a single year equal to 78 times its capitalization. If a farmer made a net income of 100 per cent in a single year, it would mean that he could buy a farm, stock, purchase machinery as good as on the farm he made the profit from, and, if he was as successful as the coal company that made profits amounting to 78 per cent, he would buy 18 farms like the one he made the profit from.

#### PATRIOTISM OF THE FARMER.

The farmers of this country do not forget that 90 per cent of the Revolutionary soldiers were farmers, that 75 per cent of the soldiers from the North and South in the War of the Rebellion came from the farms and plantations, and that 50 per cent of our soldiers in the World War were from the country and cities of less than 3,000 inhabitants.

#### PRESENT ANTITRUST LAWS INEFFECTIVE AS TO GREAT CORPORATIONS BUT OPPRESSIVE TO THE SMALLER.

Our present Clayton antitrust law is ineffective as to large corporations. This law, which was intended to prevent price fixing by corporations, is violated daily by the large corporations. The law is used, however, to oppress farm organizations doing a legitimate and lawful business. For example: The United States Steel Corporation has what is known as the Gary dinner, which is annually held in Pittsburgh or New York. The heads of all the steel companies in the United States are invited to this dinner. Judge Gary, of the United States Steel Corporation, makes a felicitous speech, and in that speech suggests that the United States Steel Corporation thinks that \$50 or \$60 per ton for steel rails is a fair and reasonable price. There is no other agreement, but every steel company in the United States fixes the price of steel rails and other kinds of steel at the same price as the United States Steel Corporation.

#### GASOLINE.

We have a great many corporations selling different kinds of gasoline, and yet without any written agreement, but by simply whispering the word between the heads of the different corporations, gasoline companies simultaneously raise the price of gasoline. This price-fixing process goes on in regard to practically all the great articles produced by the large corporations of the country. There is no competition between these large concerns. The agreed price is fixed as effectively as though these concerns had signed a written agreement.

It would be impossible for the millions of farmers scattered throughout the United States to ever form a trust that would be oppressive. If it was possible for them to do so, the Secretary of Agriculture under this bill could dissolve the association.

#### COOPERATION IN DAIRYING.

By cooperation and the formation of cooperative creameries Wisconsin has built up the dairy industry second to none other in the United States, an industry which in that State alone produced over \$300,000,000 worth of dairy products the last year. If it was not for these cooperative creameries and cheese factories, the packers and Oleomargarine Trust would have destroyed the dairy interests. When the settlement was made by Attorney General Palmer with the packers the dairy industry was excepted, and the packers were allowed to control the cheese market and embark in the dairy business in competition with the farmer, but not with the groceryman and other industries. This illustrates one of the discriminations against the farmer.

#### OLEOMARGARINE.

The manufacturers of oleomargarine have a bill in Congress each year which would take off the 10 cents per pound tax on colored oleomargarine and place a tax of 1½ cents per pound thereon. This year the bill is known as H. R. 1032, introduced by Representative SABATH, of Chicago. The advocates of this bill maintain that the Government would increase its revenue by this tax and would also bring oleomargarine to the tables of people who can not afford butter, at a much lower price than it is now sold for. As a matter of fact, this bill if enacted into law would increase the price of oleomargarine by making it a competitor of butter, and it would sell almost as high as butter. Under the existing laws, with a 10-cent tax on colored oleomargarine, the man who wants to use oleomargarine can buy the uncolored oleomargarine for almost one-half the price he can buy butter. If he desires to color it for the use of his table he can do so. The uncolored oleomargarine bears a tax of one-fourth of 1 cent per pound.

#### UNCOLORED OLEOMARGARINE.

Ninety-seven and one-half per cent of all oleomargarine sold is uncolored and only pays a tax of one-fourth cent per pound. Only 2½ per cent of the amount of oleomargarine manufactured



pays a tax of 10 cents per pound. If we should raise the tax to 15 cents on all oleomargarine, as provided by the Sabbath bill, it would immediately raise the price of oleomargarine 15 cents or 20 cents more per pound, because it would then all be colored and become a competitor of butter. Thus for every dollar that the consumer of oleomargarine would pay the Government in additional taxes, he would pay the large packing houses and oleomargarine factories from eight to ten dollars. When the cottonseed-oil people and the packers pose as philanthropists and ask the Government to tax them, the public should beware.

#### PURPOSE OF COLORING OLEOMARGARINE.

The purpose of coloring oleomargarine is to deceive the people. The same interests that are circulating an extensive propaganda attempting to popularize oleomargarine and telling of the impurities of butter, are fighting to prevent the passage of the bill allowing the farmers of the country to form cooperative societies. I have spoken against every oleomargarine bill that has been before Congress since I was in Congress, and I am going to continue to do so. Our dairy industry brings more wealth to my State than any other and demands a square deal.

#### FARMERS RESPOND TO CALL FOR PRODUCTION.

The farmers of the country, under the demand for greater production to supply our own people and our armies and the Allies, cultivated 32,000,000 acres more land in 1917 than in 1914. This production of food crops on an enlarged scale and at greatly increased expense of time, effort, and labor and by fewer men, did more to insure the winning of the war than any other one factor. During 1914 the United States exported 700,000,000 pounds of milk in the form of butter and cheese, and no condensed milk. During 1918 the United States shipped abroad 620,000,000 pounds of milk in the form of butter, and 160,000,000 pounds of milk in the form of cheese, and 1,770,000,000 pounds of milk in the form of condensed milk; 2,550,000,000 pounds of milk as dairy products used for foreign shipment.

In opposition to this bill I have had many petitions from the chambers of commerce of the larger cities. I have had many letters from individual farmers and farm organizations in favor of the bill. If the farmers are not given the opportunity to organize and do business collectively, they will be at the mercy of the middlemen and the large corporations that buy their products and then sell them to the consumer at an exorbitant price.

Our country is facing a serious crisis. People are flocking to the cities, and every census shows a very much larger per cent of people living in the cities than the country. The demand and need for food is constantly increasing. The labor situation on the farm also adds an additional problem. With the high price of building material, land, and machinery, it now takes a man of considerable capital to establish himself as a farmer. We should give the farmer encouragement in every way we can, to the end that our young men will find the occupation of farming profitable and offering as many advantages as business or the professions. The strength of our country depends upon its sturdy yeomanry.

#### EXTENSION OF RURAL ROUTES.

As an advocate for national aid for highways since I entered Congress, I have always insisted that along with the good-road movement the Federal Government should increase and extend its rural routes so as to bring mail and parcels conveniently near each farm. I have contended that there is no justification in delivering mail five or six times a day to the front doors of people living in the residential sections of the large cities, and compelling a busy farmer to walk one-half to 2 miles in order to get his mail once a day.

The parcel post has proven a great blessing to the rural population of the United States. It can not be utilized to advantage unless the rural carrier goes conveniently near to a man's house. I hope the day will not be far distant when every farmer will have a mail box in front of his home.

Mr. LARSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Army reorganization bill.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the Record on the Army reorganization bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VOLSTEAD] has six minutes remaining.

Mr. VOLSTEAD. After consultation with a number of gentlemen on this floor, I have thought it well to offer an amendment to section 2.

The object of the amendment is to preserve to the farmers what rights they now have under the antitrust act. There is some question whether section 2 might not take away some of

the rights which they now have. There is no disposition on my part, and I do not think there was on the part of anyone, to deprive them of existing rights.

The SPEAKER pro tempore (Mr. SNELL). Does the gentleman offer the amendment for information?

Mr. VOLSTEAD. Not for information; I offer the amendment.

Mr. BANKHEAD. Mr. Speaker, the bill has not begun to be read. The gentleman can not offer the amendment at this time. General debate has not been concluded.

Mr. MANN of Illinois. Mr. Speaker, this is a House Calendar bill and there is nothing but general debate.

Mr. WALSH. This bill is being considered under a special rule, which provides that in the consideration there shall be two hours of general debate. Now, under that special rule I submit that it is not proper to offer an amendment during the two hours of general debate.

Mr. MANN of Illinois. There is nothing but general debate on a House Calendar bill. It is not read for amendment under the five-minute rule. The rule uses the term "general debate," but that is all there would be anyhow unless the rule provided otherwise.

Mr. HUMPHREYS. After the general debate, will there not be an opportunity to offer amendments?

Mr. MANN of Illinois. No opportunity to offer amendments unless the House votes down the previous question. Then the gentleman could offer amendments, but not discuss them.

Mr. BARKLEY. If the previous question is not ordered, it would be in order to offer amendments?

Mr. MANN of Illinois. It would be in order to offer amendments if the House did not order the previous question.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and amendment.

Mr. IGOE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER pro tempore. The gentleman from Missouri makes the point that no quorum is present. The Chair will count. Evidently there is no quorum present.

Mr. VOLSTEAD. Mr. Speaker, I move a call of the House. The motion was agreed to.

Mr. DYER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DYER. Will this vote be on the previous question?

The SPEAKER pro tempore. No; it is a call of the House, a point of no quorum being made. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

|               |                  |                 |                |
|---------------|------------------|-----------------|----------------|
| Andrews, Md.  | Echols           | Kelly, Pa.      | Reber          |
| Anthony       | Edmonds          | Kendall         | Rhodes         |
| Bacharach     | Ellsworth        | Kennedy, Iowa   | Riddick        |
| Baer          | Elston           | Kennedy, R. I.  | Riordan        |
| Bell          | Emerson          | Kettner         | Rowan          |
| Bland, Mo.    | Evans, Nev.      | Kieck           | Rowe           |
| Booher        | Ferris           | Kitchin         | Rucker         |
| Bowers        | Fuller, Mass.    | Klecza          | Sanders, La.   |
| Brinson       | Gallivan         | Kreider         | Scully         |
| Britten       | Godwin, N. C.    | Lankford        | Sears          |
| Brumbaugh     | Goldfogle        | Lazaro          | Sells          |
| Burke         | Goodall          | Lehlbach        | Sherwood       |
| Butler        | Gould            | Leshner         | Shreve         |
| Byrnes, S. C. | Graham, Pa.      | Little          | Slemp          |
| Campbell, Pa. | Greene, Mass.    | McClintic       | Small          |
| Cantrill      | Griest           | McCulloch       | Smith, Mich.   |
| Caraway       | Griffin          | McDuffie        | Smithwick      |
| Carter        | Hamill           | McKinley        | Snyder         |
| Casey         | Hardy, Colo.     | McLane          | Steele         |
| Clark, Fla.   | Hardy, Tex.      | MacCrate        | Stephens, Ohio |
| Cole          | Harrell          | Mansfield       | Stiness        |
| Cooper        | Hastings         | Mason           | Strong, Pa.    |
| Copley        | Hayden           | Mays            | Sullivan       |
| Costello      | Hays             | Mead            | Tague          |
| Crowther      | Hernandez        | Moore, Ohio     | Taylor, Tenn.  |
| Curry, Calif. | Hill             | Morin           | Tillman        |
| Dale          | Houghton         | Mott            | Watson         |
| Davey         | Hullings         | Newton, Minn.   | Wingo          |
| Dent          | Hutchinson       | Newton, Mo.     | Wright         |
| Dewalt        | Ireland          | Nicholls        | Williams       |
| Dooling       | James            | Paige           | Yates          |
| Doremus       | Johnson, Miss.   | Porter          | Young, N. Dak. |
| Drane         | Johnson, S. Dak. | Radcliffe       | Zihlman        |
| Dunn          | Johnston, N. Y.  | Ramsayer        |                |
| Eagan         | Juul             | Randall, Calif. |                |

The SPEAKER. Two hundred and eighty-nine Members have answered to their names, a quorum.

Mr. VOLSTEAD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon this bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment of the gentleman from Minnesota [Mr. VOLSTEAD].

The Clerk proceeded to report the amendment.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. Under the rule that was adopted, is it in order for the gentleman from Minnesota now to offer his amendment?

The SPEAKER. The Chair thinks so.

Mr. SABATH. Are other Members permitted to offer amendments?

The SPEAKER. If they obtain the floor.

Mr. SABATH. Can the Speaker inform me how Members can secure the floor to offer amendments?

The SPEAKER. By asking for recognition, unless the gentleman from Minnesota moves the previous question.

Mr. VOLSTEAD. Mr. Speaker, I ask for the reporting of my amendment.

Mr. IGOE. Mr. Speaker, the previous question was moved by the gentleman from Minnesota after he had offered his amendment. I then made the point of order that there was no quorum present. The reason I made the point of order that there was no quorum present was because the previous question had been moved by the gentleman from Minnesota.

The SPEAKER. The Chair is informed that the gentleman had moved the previous question, but the question had not been stated by the Chair.

Mr. MANN of Illinois. Mr. Speaker, I ask to have the amendment reported.

The SPEAKER. The Clerk will report the Volstead amendment.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: At the end of section 2, add the following: *Provided*, That nothing contained in this section shall apply to the organizations or individual members thereof described in section 6 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, known as the Clayton Act.

Mr. IGOE. Mr. Speaker, I make the point of order against the amendment.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the amendment and the bill to final passage.

The SPEAKER. The gentleman from Missouri will state his point of order.

Mr. IGOE. The amendment is not germane to the section.

Mr. MANN of Illinois. Mr. Speaker, I think the amendment is clearly germane.

The SPEAKER. The Chair will hear the gentleman from Missouri.

Mr. IGOE. Mr. Speaker, the point is that the amendment is not germane. This section has relation to the bill which provides for certain associations that are organized under section 1. Under section 2 certain acts of those associations may be investigated. There is nothing here about associations organized under the Clayton Act or any of these other acts. These associations are to be organized under this bill, and the gentleman undertakes to put some limitations upon associations in the bill. Therefore the amendment is not germane to anything in the bill. We are concerned with one particular kind of association provided for in this bill under the terms of the bill.

Mr. MANN of Illinois. Mr. Speaker, this bill relates to certain associations provided for in section 1 of the bill. Section 2 of the bill thereupon provides as to those associations that certain authority shall be granted to the Secretary of Agriculture and to Congress. The amendment is that certain of those associations can not be operated upon by the Secretary of Agriculture, because they are now excluded from the operation of the law by the Clayton antitrust law. That is an exception within an exception, wholly permissible and entirely germane.

The SPEAKER. The Chair thinks clearly that this simply limits the operation of the section and must be germane. The Chair therefore overrules the point of order.

Mr. IGOE. Mr. Chairman, I desire to offer an amendment.

The SPEAKER. The gentleman from Minnesota has the floor.

Mr. YOUNG of Texas. Mr. Speaker, a parliamentary inquiry.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The SPEAKER. The gentleman from Texas will state his parliamentary inquiry.

Mr. YOUNG of Texas. I am desirous of moving to strike out section 2. At this stage of the procedure, would that motion be in order?

The SPEAKER. It would be in order if the gentleman had the floor.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The SPEAKER. Of course, if the House does not adopt the previous question; it will be in order.

Mr. YOUNG of Texas. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YOUNG of Texas. If the previous question is voted down then it would be in order for me to make the motion to strike out section 2?

The SPEAKER. Certainly. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. IGOE) there were—ayes 147, noes 62.

Mr. SABATH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and thirty-three Members present, a quorum.

Mr. SABATH. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The vote is on ordering the previous question.

Mr. KINCHELOE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KINCHELOE. Was the amendment offered by the gentleman from Minnesota adopted?

The SPEAKER. Not yet. The question is now on the amendment offered by the gentleman from Minnesota.

Mr. SABATH. Mr. Speaker, I demand the yeas and nays on the previous question.

Mr. BEE. Mr. Speaker, let us have the amendment reported.

The SPEAKER. By unanimous consent the amendment will be again reported.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Is the gentleman from Illinois asking for the yeas and nays on the adoption of the amendment or on the previous question?

Mr. SABATH. On the previous question.

The SPEAKER. The Chair thinks that would be too late.

Mr. CLARK of Missouri. Oh, Mr. Speaker, the gentleman was on his feet demanding the yeas and nays on the previous question. There was a great deal of confusion in the Hall, and I have no doubt that the Speaker did not hear him.

The SPEAKER. The Chair supposed that he had demanded the yeas and nays on the amendment.

Mr. CLARK of Missouri. No; he demanded the yeas and nays on ordering the previous question.

The SPEAKER. The gentleman from Illinois demands the yeas and nays on ordering the previous question. As many as are in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Thirty-three, not a sufficient number, and the yeas and nays are refused.

Mr. SABATH. Mr. Speaker, I demand the other side.

The SPEAKER. There is no other side. The Chair just a moment ago counted 233 Members present, and 33 are not one-fifth of that number.

So the previous question was ordered.

Mr. BEE. Mr. Speaker, I would like to have the amendment again read.

The SPEAKER. Without objection, the Clerk will again report the amendment.

Mr. MONAHAN of Wisconsin. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time.

Mr. GARD. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. The bill has not been read the third time.

Mr. YOUNG of Texas. I desire to offer a motion to recommit.

Mr. CALDWELL. Mr. Speaker, I demand a reading of the engrossed bill.

Mr. BLANTON. Mr. Speaker, I make the point of order that the request comes too late. The bill has been read.

The SPEAKER. The bill has not been read the third time.

Mr. BLANTON. I understood the bill had been read.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. Pass the bill with the amendment?

Mr. VOLSTEAD. I move to suspend the rules and pass the bill with the amendment.

Mr. IGOE. Mr. Speaker, I ask for a second.



Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. IGOE. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I make the point of order that the request comes too late, because the bill has been already passed upon and amended.

The SPEAKER. No; the gentleman has the right to demand a second. The gentleman from Missouri [Mr. IGOE] and the gentleman from Minnesota [Mr. VOLSTEAD] will take their places as tellers.

The House divided; and the tellers reported that there were—ayes 140, noes 34.

So a second was ordered.

The SPEAKER. The gentleman from Minnesota is entitled to 20 minutes and the gentleman from Missouri is entitled to 20 minutes.

Mr. VOLSTEAD. Mr. Speaker, I reserve my time.

Mr. IGOE. Mr. Speaker, when I had the floor before I started to ask some questions about this bill, but I did not have sufficient time. The first section of the bill is one of the most curiously constructed pieces of legislation that has ever been presented to this House. It undertakes to give something, and then in the second section it takes it away. In addition to taking away what is given by the first section it takes away practically the exemptions that were given to farmers by the Clayton Act. Now, I would like to ask somebody who had anything to do with preparing this bill what becomes of an association organized under the first section where a stockholder dies and the stock comes into the hands of some one who is not a producer? I would also like to ask what becomes of an association if some one who holds a share of stock should sell it to a nonproducer? There is absolutely no provision made for safeguarding the association. If these gentlemen mean what they said when explaining this bill, then the moment a single share of stock gets into the hands of a nonproducer, whether it is by operation of law or by sale, the association becomes an illegal association and may be prosecuted under the antitrust act.

Mr. LONGWORTH. Will the gentleman yield?

Mr. IGOE. I will.

Mr. LONGWORTH. The gentleman is asking a question as to persons who are concerned in the framing of this bill. Was not the gentleman concerned in the framing of the bill?

Mr. IGOE. No; and I would like to answer that.

Mr. LONGWORTH. It seems a rather remarkable thing to some of us here that this bill should come in here with a unanimous report and should now receive such vigorous opposition from members of the committee.

Mr. IGOE. The gentleman is mistaken in saying that it comes in with a unanimous report, because there were objections to the bill, and some of us voted against it in the committee. If the gentleman served on the Committee on the Judiciary, he would be familiar with the fact that all bills reported by that committee are not framed by the committee.

Mr. HERSMAN. Will the gentleman yield to me to answer the question?

Mr. IGOE. When I answer the gentleman from Ohio I will yield to the gentleman from California. This bill as originally drawn was known as the Capper-Hersman bill, prepared or introduced, rather, by Senator CAPPER in the Senate, and in the House by the distinguished gentleman from California [Mr. HERSMAN], and a duplicate by Mr. BARBOUR. Both gentlemen from California are very much interested in the welfare of associations that are organized out in California, where they have carried this cooperative business, perhaps, to the highest point of efficiency, and also in some instances to the nearest point of monopoly. When those bills came in we had hearings on them, copies of which I hold in my hand. The next that we heard of the bill was when the gentleman from Minnesota introduced a bill, not the Capper-Hersman bill, but the Volstead bill. Three days later another bill was introduced by Mr. VOLSTEAD. That bill came into the committee, and while we can not say what happened there I can say it was but a few minutes after the bill was presented to the whole committee when it was voted out without any amendment, without any discussion, without reading for amendments, and reported to this House for consideration.

Mr. BEE. Will the gentleman yield for a question?

Mr. IGOE. Yes, sir.

Mr. BEE. Will section 2, vesting power in the Secretary of Agriculture, be of full force and effect if the amendment of the gentleman from Minnesota is adopted that takes it under the operation of the law—

Mr. IGOE. I have not examined the amendment closely enough, but in my judgment it is a strange proceeding when you distinguish between an association organized under the

Clayton Act and an association organized under this act, but here is what will happen: Just the moment a clamor goes up in the country about the cost of any product of the farm, whenever you have a clamor such as we have had in the last 12 months, there is not a Secretary of Agriculture but who will be compelled to make an investigation, and then he will have to go into the business of every cooperative association in the United States, and after he has summoned the officers here and after he has examined all the books, after he has found out the nature of their operations, then he will be able to determine whether they are organized with or without capital stock. How, then, does the amendment of the gentleman from Minnesota relieve an association which is legal under existing law from being harassed under section 2?

Mr. HERSMAN. Will the gentleman yield?

Mr. IGOE. I will.

Mr. HERSMAN. I would like to ask the gentleman, first, if he is concerned for the interest of the farmer in stating that the Secretary of Agriculture will investigate these—

Mr. IGOE. Oh, I am deeply concerned about increasing production, and I am concerned about giving to the farmer a right to legitimately form cooperative associations, but I am not willing to give the farmer, the labor union, or the manufacturer a right, as you give under this bill, to violate all the laws of the United States that are binding upon other individuals and other corporations.

Mr. HERSMAN. The first question the gentleman asked was, What becomes of an association of which one member dies?

Mr. IGOE. What does become of it?

Mr. HERSMAN. I will tell you about it. In California—

Mr. IGOE. Oh, I am asking what becomes of it under this bill?

Mr. HERSMAN. I am going to tell you what becomes of it in California and under this bill.

Under the laws of California you can make an agreement to buy that stock. All the cooperative associations can preserve their entity as cooperative associations purely and have an option to buy all that stock before a man can sell it.

Mr. IGOE. What becomes of the farmer then?

Mr. HERSMAN. They have a right to buy that back.

Mr. YOUNG of Texas. Assuming that this bill was a law, and take a concrete case as to a crop with which I am familiar; suppose there is an organization of cotton farmers who produce cotton, and they are putting that cotton on the market in the fall season; now, there is another element of people who want cheap cotton through the exchanges or otherwise; what would be the effect on the local market, and what would be the effect of the price of the farmer's cotton if these people interested in beating down the price should file a sworn case before the Secretary?

Mr. IGOE. It would ruin the market.

Mr. YOUNG of Texas. Would there be any market?

Mr. IGOE. Of course there would not be.

Here is a curious thing. Some of the gentlemen who want this are milk producers—dairymen—who are associated together—and they are complaining now because they say that under the Clayton Act the district attorneys ask them about their business and how they do it, and they want something written into the law to make it certain that they can not be asked about their business. And so the gentleman from Minnesota [Mr. VOLSTEAD] by section 1 assumes he meets it. But in section 2 he gives the Secretary of Agriculture the right to go and pry into their business every time he feels like it. I am objecting to the provision in this bill, gentlemen, most of all, in section 1, lines 8 to 11. That is the part I want to get this House to vote on, because there is not any question in the world but that it allows them not only to organize but after they are organized to go and violate all the laws against trusts, monopolies, and unfair trade.

Here are some questions that we had before the committee. I asked the attorney from California, Mr. Sapiro, who is a bright, clever gentleman, the following questions:

I am simply asking you if the broad exemption in Mr. HERSMAN'S bill was thought necessary by you.

Mr. SAPIRO. The only exemption should be as to contracts between the grower and the association.

Mr. IGOE. According to the language, Mr. HERSMAN is going to allow them to roam around through the United States and do anything they want in restraint of trade. That is the language of his bill.

Mr. SAPIRO. That is probably just loose language there. I am certain he had in mind the preliminary contract between the association, as such, and its growers.

Mr. IGOE. I was trying to get from you what you thought was absolutely necessary for the proper functioning of this association that you referred to.

Mr. SAPIRO. The way we have covered it is to say any such organizations or the members thereof, or the contracts made between such organizations and its members or stockholders shall not be held to be illegal.

That, however, is not what this bill says. This bill allows them to organize with capital stock, and then to go out as a corporation and do anything they want without regard to any law.

Now, let me tell you what was done out in California. The brief I have here was filed with the Federal Trade Commission and refers to the fact that one of the raisin companies went out into the trade and indulged in every sort of practice that would do credit, or discredit, to the Standard Oil Co. or any other trust. Among other things, they made a contract with a distributing company by which the distributors took the product of the raisin company at a certain price and agreed not to handle the product of any rival growers. In the course of time they could put anybody out of business.

Mr. BARBOUR. Was not that a case of fighting the devil with fire?

Mr. IGOE. I do not say they did not have a hard time. But let me tell you something. This bill affects all the people of the United States, and the people who are fighting each other with fire in California may be the same kind of people who are found throughout the United States jointly imposing upon the unprotected consumer. The consumer is not the millionaire, but he is the farmer also, and in many cases it is the farmer who will suffer by this bill. They can go to the farmer, as they did in California, and say, "You come in and join us or you can not do any business." And if this cooperative association goes to do business with the ultimate salesman or middleman, it can say to him, "You handle our stuff, but nobody else's," and they can put the independent farmer out of business.

Mr. LONGWORTH. I do not desire to criticize these gentlemen, but does not the gentleman think it bad practice for a great committee such as the Committee on the Judiciary of the House, of which he is the ranking minority member, to report a bill of this importance to the House without any suggestion that amendments would be offered? I learned from members of the Rules Committee that no suggestion was made that the bill was not unanimously reported.

Mr. IGOE. I will say that the committee never asked for any rule officially. The chairman did it himself.

Mr. LONGWORTH. The House, it seems to me, should be informed, where a bill of this importance comes in with a unanimous report, that the bill has not unanimous support.

Mr. IGOE. There is no unanimous report. We offer a good many suggestions usually, but this bill went through the committee in a great hurry. I never knew until after they went before the Rules Committee that a rule was to be asked for. I voted against the proposition to suspend the rules the other day, and you have a motion here to suspend the rules, and I am against it.

Mr. Speaker, I reserve the balance of my time.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I am opposed to special legislation or legislation in behalf of any special class and I would oppose this measure if I believed it would operate to exempt farmers from the provisions of a just law, properly intended to include them. Organizations such as is contemplated by this measure have been considered by some as contrary to the letter of the antitrust law, but I believe that no one who knows anything about organizations of this kind or such as would be possible under this bill would consider them contrary to the spirit of that law. Those who oppose this bill say it will put farmers in a special, exempted class. I do not consider this will operate as an exemption from the antitrust law. I do not consider it as an exception at all. I consider it as a definition of what are not objectionable organizations; a definition of entirely safe and proper organizations which are not intended to be included and which are not in fact included in antitrust laws.

The gentleman from New York [Mr. DONOVAN] a few minutes ago said, as I understood him, that if this bill shall become law it will conflict with antitrust laws of the States and thereby cause confusion. In many of the States there are antitrust laws and overzealous officials in some of the States have caused the arrest of officers of farm organizations and prosecutions have followed. But in each instance, as far as my knowledge extends, the court after full trial determined that farm organizations, the same as contemplated here, are not contrary to the antitrust law of the State in which the trial was had. A trial was had in the gentleman's own State, New York. Milk producers were arrested, or rather, officers of milk producers' associations were arrested. What for? Not for combining in restraint of trade, not because they undertook to monopolize the trade, not because they tried to fix unreasonable prices,

but because the farmers, acting through the officers of their associations, were carrying on business with dealers in one of the great cities of that State.

It developed on the trial that the farmers, through their dairy organizations, were asking and receiving 7 or 7½ cents a quart for their milk, while the dealers in the city were distributing and selling it to consumers at from 15 to 18 cents a quart. Consumers of the milk believed the farmers were responsible for and were receiving these improperly high prices, whereas the farmers, by negotiation through their officers with the city milk dealers, had simply obtained the best price the dealers would pay; that is, the market price. They did nothing by way of fixing the price; they sold for the available price.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Pardon me; I can not yield in my time.

The same situation developed when farmers and dairymen in the vicinity of the city of Cleveland were arrested. Officers of the association were arrested, taken from their beds at the dead of night, and thrown into jail. On the trial the dairy officials were acquitted. There was the same kind of trial with the same result in Chicago following the arrest of officers of a dairy association composed of Illinois farmers.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. VOLSTEAD. I yield to the gentleman one minute more.

Mr. McLAUGHLIN of Michigan. The chairman of the committee gives me one additional minute, in which time I wish to say that in the cities where farmers have been arrested, charged with violation of antitrust laws of the States, in each one it was determined after trial that they were not acting in violation of law. And in one or two of the States in which such organizations of farmers seemed to be a violation of law the governors promptly called special sessions of the legislatures, and the legislatures amended the law so as to permit the organization of such associations. And in other States, at the next regular session, amendments of the laws of those States along the line of this bill were passed by the legislatures. [Applause.] The gentleman from Missouri [Mr. IGOE] charges that the Committee on the Judiciary has improperly failed and refused to report out the original Capper-Hersman bill, which was so generally approved by farmers and farm organizations. The fact is, and the gentleman must know it, that after long hearings and full consideration the bill we are now considering was substituted for the Capper-Hersman bill, and substitution was with the entire approval of the authors of the original bill and with approval of farm organizations which appeared before the committee. Mr. HERSMAN has himself spoken here in support of this bill, and a few days ago, when I was before the Committee on Rules of the House urging a rule by which this bill might be considered and passed at this session, Mr. Loomis, secretary of an association representative of farmers and farm organizations, including the National Grange, was before the Rules Committee and expressed approval of this bill on behalf of the organizations he represents. So this bill is acceptable to farmers; they believe it will enable them to market their products better than they can now; and that by better marketing they will be able to get a larger part of the prices paid by consumers. They wish to operate properly and always within the law.

Mr. IGOE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. IGOE. Mr. Speaker, I yield four minutes to the gentleman from Ohio [Mr. GARD].

The SPEAKER. The gentleman from Ohio is recognized for four minutes.

Mr. GARD. Mr. Speaker, a few moments ago the gentleman from Ohio [Mr. LONGWORTH] made an inquiry about this bill, and referred to the fact of there being a unanimous report upon it. I consulted Webster's Unabridged Dictionary and found under the word "prudential" this quotation:

My lord admiral had a prudential eye to the main chance.

This explains the sudden disappearance of the Capper-Hersman bill and the Barbour bill and all other bills on which hearings were had before the Committee on the Judiciary. The only bills on which hearings were had were bills that were heard in October, 1919. No hearings were had on this bill, which now comes out "for prudential reasons" under the name of the Volstead Act. That answers the inquiry of the gentleman from Ohio [Mr. LONGWORTH].

Now, I desire to say, Mr. Speaker, that we find ourselves face to face, by the extraordinary process of the suspension of the rules, with the consideration of a bill which should be amended, and yet which under this rule we have no power to amend. We set aside the bill introduced by the gentleman from Cali-



fornia [Mr. BARBOUR] and the bill introduced by another gentleman from California [Mr. HERSMAN], and the bill of Senator CAPPER, on which hearings were had; and I pause long enough to say that I hold in my hand a motion to recommit, which I intended to offer under the parliamentary practice, which I would have offered under the ordinary rules of procedure, submitting to the House the so-called Capper-Hersman bill; a motion to recommit embodying the entire Capper-Hersman bill, which was also, I believe, the bill of the gentleman from California [Mr. BARBOUR]. And yet under the extraordinary rule—the rule which the gentleman from Illinois [Mr. MANN] so well said on Saturday was a rule that the Republican majority would find themselves facing, we are now up against just what he said would occur, and that is the consideration of measures without the power of proper amendment.

Here is a bill which should be amended. It has good features, and many Members want to vote for it. But it should be amended. Yet it is an unconsidered bill, a bill upon which no hearings were had, a bill upon which no opportunity was given for a minority report, a bill upon which the committee as a committee never asked for a rule from the Committee on Rules. None of these parliamentary processes were ever indulged in with respect to it. None has ever been asked. And yet under the extraordinary process of the suspension of all rules we now come in, we throw aside the hearings, we throw aside the considered merits of the Capper-Hersman bill and of the Barbour bill, and we present to this House an unconsidered bill, an ill-considered bill, without the slightest opportunity for amendment.

I have asked the gentleman in charge of the bill—

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. IGOE. Mr. Speaker, I yield four minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

The SPEAKER. The gentleman from West Virginia is recognized for four minutes.

Mr. GOODYKOONTZ. Mr. Speaker, public morals, crystallized into the common law, condemned as illegal every combination and conspiracy in restraint of trade. This doctrine was recognized and reinforced by the Congress when it passed the Sherman law and the Elkins Antitrust Act. More recently there has crept into our laws an exception as to those who market foodstuff, whereby the latter are exempted from the operation of the statute, but they are subject to the provisions of the Lever Act, which gives the President power to regulate the price and distribution not only of food supplies but also of fuel and clothing. That power has not been exercised in the direction of reducing the cost of these necessities of life. The President intervened as to coal and fixed the price of that commodity below the average cost of production. The price of wheat was also fixed by law. But as regards cotton, sugar, and rice grown in the South, there was no regulation as to price. Thus favored by the administration and immune from prosecution, the southern planters shrewdly combined, and as a result the prices of cotton goods, sugar, and rice have been quadrupled. As a further result, a great cry—the combined voice of millions—has gone up, denouncing the profiteer and calling upon Congress to do something to reduce the cost of living.

Great numbers of our people are sorely pressed from the extortions that are being practiced upon them. In the presence of the nation-wide affliction of high prices, men have the audacity to ask me to support this measure. If the bill should become law the practices denounced as immoral at common law, and made criminal under previous laws of Congress, would be legalized, and the price-fixing of food and raiment validated. The country would see organized, under the terms of the act, gigantic food and clothing trusts, vested with power to charge whatever their sweet will dictated and to grind under their iron heel every family in the land. The giants thus unchained would be harnessed up, not by farmers—the honest yeomanry of the country—but be harnessed up and manipulated by the same men—the profiteers—who now have their felonious fingers in the pockets of the people.

No farmer or farmer's organization has asked me to support this bill. I would be glad to support any measure that would encourage or assist the farmer, for his hardships are many. This I know from experience, but I will not vote to make lawful that which, by its very nature, is unlawful.

The question is, How far are we going to permit demagoguery in this House to proceed? Shall we make abortive every effort of Congress, the country, and the administration to reduce the high cost of living? Shall we put into the hands of men the absolute, consummate power to charge for the necessities of life whatever they may want to charge?

Mr. KEARNS. Will the gentleman yield?

Mr. GOODYKOONTZ. I will yield.

Mr. KEARNS. I wish the gentleman would suggest to the House what effort the Department of Justice has made to cut down the high cost of living.

Mr. GOODYKOONTZ. Well, the department has made a little headway. Recently the department caused to be indicted a grocery jobbing company organized in my State for buying six carloads of sugar at 14 cents and selling the same at 30 cents per pound.

Mr. KEARNS. When did the company buy the sugar at the price of 14 cents per pound? The Department of Justice gave the sugar producers the right to charge 18 cents per pound.

Mr. GOODYKOONTZ. The sugar was bought by the jobber long ago, but delivered and resold at a date quite recent. The Attorney General by his own hand wrote the bill to amend the Lever Act and sent the same here and we passed it—my recollection is without any change in the language. If the law does not have teeth in it, or if the law is not being enforced, it is not the fault of Congress. The blame is chargeable to the administration, of which the Department of Justice is part, and not to us. Congress can make law, but it has no power to enforce it. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I want to say just a word. It is suggested that the Capper-Hersman bill was thrown in the wastebasket. Senator CAPPER has introduced this very bill in the Senate, and Mr. HERSMAN has spoken to-day in favor of the bill. Every organization that was back of the Capper-Hersman bill is, so far as known, back of this bill. An appeal for the passage of the Capper-Hersman bill is an appeal for the defeat of all legislation.

Mr. RAKER. Will the gentleman yield for a question?

Mr. VOLSTEAD. I can not yield now. It seems to me that we ought to treat the farmers fairly instead of sneering at them, as some have done in this debate. They ought not to be prosecuted nor persecuted for doing the only thing that will give them a fair deal. We only ask that they may be given the rights that they are accorded in every other country. Congress ought to have the fairness to insist that they be given the means to protect themselves, so a few middlemen do not rob them of their profits. The commission merchants are the ones that are making the profits now and fighting this bill. Can you afford to ignore the demand of the farmers for this legislation and suffer so great and vital an industry to be exploited by these men? You are not going to do it. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. What is the legislative status of the present bill if the motion to suspend the rules does not pass, it having been considered under a rule?

The SPEAKER. If the House refuses to suspend the rules and pass the bill it stands with the previous question ordered for a third reading.

Mr. IGOE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 234, nays 58, answered "present" 3, not voting 132, as follows:

#### YEAS—234.

|                 |                 |                  |                   |
|-----------------|-----------------|------------------|-------------------|
| Almon           | Christopherson  | Foster           | Jones, Pa.        |
| Anderson        | Clark, Mo.      | Frear            | Jones, Tex.       |
| Andrews, Nebr.  | Classon         | Freeman          | Kahn              |
| Anthony         | Cleary          | French           | Kearns            |
| Ashbrook        | Copley          | Fuller, Ill.     | Keller            |
| Ayres           | Crago           | Gandy            | Kelley, Mich.     |
| Bankhead        | Cramton         | Garland          | Kincheloe         |
| Barbour         | Crisp           | Glynn            | King              |
| Barkley         | Currie, Mich.   | Goodwin, Ark.    | Kinkaid           |
| Bee             | Darrow          | Green, Iowa      | Knutson           |
| Begg            | Davis, Minn.    | Greene, Vt.      | Kraus             |
| Bell            | Davis, Tenn.    | Hadley           | Kreider           |
| Benham          | Dempsey         | Hamilton         | Lampert           |
| Benson          | Denison         | Harrison         | Lanham            |
| Black           | Dent            | Haugen           | Larsen            |
| Blackmon        | Dickinson, Mo.  | Hawley           | Layton            |
| Bland, Ind.     | Dickinson, Iowa | Hays             | Lea, Calif.       |
| Bland, Va.      | Dominick        | Heflin           | Lee, Ga.          |
| Blanton         | Doughton        | Hersey           | Loneragan         |
| Boles           | Dowell          | Hersman          | Longworth         |
| Box             | Drewry          | Hickey           | Luhning           |
| Brand           | Dunbar          | Hicks            | McArthur          |
| Briggs          | Dyer            | Hoch             | McDuffie          |
| Brooks, Ill.    | Elliott         | Hoe              | McFadden          |
| Brooks, Pa.     | Esch            | Holland          | McKenzie          |
| Browne          | Evans, Mont.    | Howard           | McKeown           |
| Burdick         | Evans, Nebr.    | Huddleston       | McLaughlin, Mich. |
| Burroughs       | Fairfield       | Hudspeth         | McLaughlin, Nebr. |
| Butler          | Fess            | Hull, Iowa       | McPherson         |
| Campbell, Kans. | Fields          | Hull, Tenn.      | MacGregor         |
| Candler         | Fisher          | Jacoway          | Magee             |
| Cannon          | Flood           | Johnson, Ky.     | Major             |
| Carss           | Focht           | Johnson, S. Dak. | Mann, Ill.        |
| Chindblom       | Fordney         | Johnson, Wash.   | Mann, S. C.       |

|               |                 |                |              |
|---------------|-----------------|----------------|--------------|
| Mapes         | Platt           | Sims           | Treadway     |
| Michener      | Porter          | Sinclair       | Upshaw       |
| Miller        | Purnell         | Sinnott        | Vestal       |
| Milligan      | Quin            | Sisson         | Vinson       |
| Monahan, Wis. | Rainey, Ala.    | Smith, Idaho   | Voigt        |
| Mondell       | Rainey, H. T.   | Smith, Ill.    | Volstead     |
| Montague      | Raker           | Snell          | Ward         |
| Moore, Va.    | Ramsey          | Stecgall       | Wason        |
| Morgan        | Randall, Calif. | Stedman        | Weaver       |
| Mott          | Randall, Wis.   | Steenerson     | Webster      |
| Mudd          | Rayburn         | Stevenson      | Welling      |
| Murphy        | Reavis          | Stoll          | Welty        |
| Neely         | Reed, N. Y.     | Strong, Kans.  | Whaley       |
| Nelson, Mo.   | Reed, W. Va.    | Summers, Wash. | Wheeler      |
| Nelson, Wis.  | Ricketts        | Summers, Tex.  | White, Kans. |
| Newton, Mo.   | Robison, Ky.    | Sweet          | White, Mo.   |
| Nolan         | Rodenberg       | Swope          | Williams     |
| Oldfield      | Romjue          | Taylor, Ark.   | Wilson, Ill. |
| Oliver        | Rose            | Taylor, Colo.  | Wilson, Pa.  |
| Osborne       | Rouse           | Temple         | Wise         |
| Overstreet    | Rubey           | Thomas         | Wood, Ind.   |
| Padgett       | Sanders, Ind.   | Thompson       | Woods, Va.   |
| Park          | Sanders, N. Y.  | Timberlake     | Wright       |
| Parker        | Schall          | Tincher        |              |
| Parrish       | Scott           | Towner         |              |

## NAYS—58.

|           |             |                 |                 |
|-----------|-------------|-----------------|-----------------|
| Ackerman  | Edmonds     | Maher           | Sabath          |
| Aswell    | Gallagher   | Martin          | Siegel          |
| Babka     | Ganly       | Merritt         | Smith, N. Y.    |
| Buchanan  | Garner      | Minahan, N. J.  | Stephens, Miss. |
| Caldwell  | Garrett     | Mooney          | Tilson          |
| Carew     | Goodykoontz | Moore, Ind.     | Tinkham         |
| Coady     | Humphreys   | Newton, Minn.   | Valle           |
| Collier   | Husted      | O'Connell       | Walsh           |
| Connally  | Igoe        | Ogden           | Walters         |
| Cullen    | Lazaro      | Pell            | Watkins         |
| Dallinger | Luce        | Peters          | Wilson, La.     |
| Donovan   | Lufkin      | Phelan          | Winslow         |
| Dunn      | McAndrews   | Robinson, N. C. | Young, Tex.     |
| Eagle     | McGlennon   | Rogers          |                 |
| Echols    | McKiniry    | Rowe            |                 |

## ANSWERED "PRESENT"—3.

|      |                |     |
|------|----------------|-----|
| Gard | Johnson, Miss. | Pou |
|------|----------------|-----|

## NOT VOTING—132.

|               |                 |                |                |
|---------------|-----------------|----------------|----------------|
| Andrews, Md.  | Emerson         | Kennedy, Iowa  | Rhodes         |
| Bacharach     | Evans, Nev.     | Kennedy, R. I. | Riddick        |
| Baer          | Ferris          | Kettner        | Riordan        |
| Bland, Mo.    | Fuller, Mass.   | Kiess          | Rowan          |
| Boehrer       | Gallivan        | Kitchin        | Rucker         |
| Bowers        | Godwin, N. C.   | Klecza         | Sanders, La.   |
| Brinson       | Goldfogle       | Langley        | Sanford        |
| Britten       | Good            | Lankford       | Scully         |
| Brumbaugh     | Goodall         | Lehlbach       | Sears          |
| Burke         | Gould           | Leshner        | Sells          |
| Byrnes, S. C. | Graham, Ill.    | Linthicum      | Sherwood       |
| Byrns, Tenn.  | Graham, Pa.     | Little         | Shreve         |
| Campbell, Pa. | Greene, Mass.   | McClintic      | Slemp          |
| Cantrill      | Griest          | McCulloch      | Small          |
| Caraway       | Griffin         | McKinley       | Smith, Mich.   |
| Carter        | Hamill          | McLane         | Smithwick      |
| Casey         | Hardy, Colo.    | MacCrate       | Snyder         |
| Clark, Fla.   | Hardy, Tex.     | Madden         | Steele         |
| Cole          | Harrell         | Mansfield      | Stephens, Ohio |
| Cooper        | Hastings        | Mason          | Stiness        |
| Costello      | Hayden          | Mays           | Strong, Pa.    |
| Crowther      | Hernandez       | Mead           | Sullivan       |
| Curry, Calif. | Hill            | Meon           | Tague          |
| Dale          | Houghton        | Moore, Ohio    | Taylor, Tenn.  |
| Davey         | Hulings         | Morin          | Tillman        |
| Dewalt        | Hutchinson      | Nicholls       | Vare           |
| Dooling       | Ireland         | O'Connor       | Venable        |
| Doremus       | James           | Olney          | Watson         |
| Drane         | Jeffers         | Paige          | Wingo          |
| Dupré         | Johnston, N. Y. | Radcliffe      | Woodyard       |
| Eagan         | Juul            | Rainey, J. W.  | Yates          |
| Ellsworth     | Kelly, Pa.      | Ramseyer       | Young, N. Dak. |
| Elston        | Kendall         | Reber          | Zihlman        |

So, two-thirds voting in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. McKINLEY and Mr. SMITH of Michigan (for) with Mr. SULLIVAN (against).

Mr. MOORE of Ohio and Mr. HARDY of Texas (for) with Mr. GREENE of Massachusetts (against).

Mr. POU and Mr. MOON (for) with Mr. WOODYARD (against).

Mr. HASTINGS and Mr. CARTER (for) with Mr. DOOLING (against).

Mr. DAVEY and Mr. CANTRELL (for) with Mr. VARE (against).

Mr. McCLINTIC and Mr. FERRIS (for) with Mr. RIORDAN (against).

Mr. HUTCHINSON and Mr. BACHARACH (for) with Mr. JOHNSTON of New York (against).

Mr. LANKFORD and Mr. COOPER (for) with Mr. ROWAN (against).

Until further notice:

Mr. RHODES with Mr. TILLMAN.

Mr. SNYDER with Mr. GRIFFIN.

Mr. COLE with Mr. HAYDEN.

Mr. HERNANDEZ with Mr. GODWIN of North Carolina.

Mr. ELSTON with Mr. DRANE.

Mr. HARRELD with Mr. BYRNS of Tennessee.

Mr. LANGLEY with Mr. CLARK of Florida.  
Mr. GRAHAM of Pennsylvania with Mr. STEELE.  
Mr. MACCRATE with Mr. SEARS.  
Mr. KENDALL with Mr. CASEY.  
Mr. HILL with Mr. DUPRE.  
Mr. STRONG of Pennsylvania with Mr. CAMPBELL of Pennsylvania.

Mr. RADCLIFFE with Mr. MAYS.  
Mr. STEPHENS of Ohio with Mr. WINGO.  
Mr. RIDDICK with Mr. BLAND of Missouri.  
Mr. ANDREWS of Maryland with Mr. VENABLE.  
Mr. KENNEDY of Rhode Island with Mr. TAGUE.  
Mr. YOUNG of North Dakota with Mr. RUCKER.  
Mr. MORIN with Mr. SANDERS of Louisiana.  
Mr. YATES with Mr. SMITHWICK.  
Mr. BAER with Mr. MANSFIELD.  
Mr. WATSON with Mr. NICHOLLS.  
Mr. STINESS with Mr. MEAD.  
Mr. PAIGE with Mr. KITCHIN.  
Mr. McCULLOCH with Mr. BRINSON.  
Mr. BOWERS with Mr. O'CONNOR.  
Mr. REBER with Mr. DEWALT.

Mr. KLECZKA with Mr. SCULLY.  
Mr. GOULD with Mr. SHERWOOD.  
Mr. CROWTHER with Mr. GALLIVAN.  
Mr. SLEMP with Mr. KETTNER.  
Mr. GOOD with Mr. SMALL.  
Mr. KIESS with Mr. OLNEY.  
Mr. SHREVE with Mr. JOHNSON of Mississippi.  
Mr. HOUGHTON with Mr. BOOHER.  
Mr. SANFORD with Mr. JOHN W. RAINY.  
Mr. KELLY of Pennsylvania with Mr. LINTHICUM.  
Mr. IRELAND with Mr. McLANE.  
Mr. CURRY of California with Mr. LESHNER.  
Mr. HARDY of Colorado with Mr. DOREMUS.  
Mr. DALE with Mr. BRUMBAUGH.  
Mr. BURKE with Mr. CARAWAY.  
Mr. GRIEST with Mr. EVANS of Nevada.  
Mr. GOODALL with Mr. HAMILL.  
Mr. GRAHAM of Illinois with Mr. GOLDFOGLE.  
Mr. MASON with Mr. BYRNES of South Carolina.  
Mr. JOHNSON of Mississippi. Mr. Speaker, I am paired on this bill, and I desire to answer "present."

Mr. POU. Mr. Speaker, I voted "yea," but was not advertent to the fact that I was paired with the gentleman from West Virginia, Mr. WOODYARD, so I desire to withdraw my vote and to answer "present."

Mr. ROUSE. Mr. Speaker, my colleague, Mr. CANTRELL, is absent, but he has authorized me to state that if he were present he would vote "yea."

The result of the vote was announced as above recorded.

## LEAVE TO EXTEND REMARKS.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection?

There was no objection.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill.

The SPEAKER. The gentleman from Mississippi makes the same request. Is there objection?

There was no objection.

Mr. YOUNG of Texas. I make the same request.

The SPEAKER. The gentleman from Texas makes the same request. Is there objection?

There was no objection.

Mr. RAKER. I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection?

There was no objection.

## REVENUES OF THE DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 7158, the so-called half-and-half bill for the District of Columbia, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the half-and-half bill, disagree to the Senate amendment, and ask for a conference. The Clerk will report the bill by title.



The Clerk read the title of the bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if this bill does not make permanent law the old half-and-half system of taxation?

Mr. MAPES. It does not.

Mr. BLANTON. Does it carry out the gentleman's idea of what taxation in the District of Columbia should be?

Mr. MAPES. The Senate amendment does not.

Mr. BLANTON. What does the Senate amendment do, if it does not restore the old half-and-half system?

Mr. MAPES. The Senate amendment repeals the existing law which limits the estimates of the commissioners to twice the estimated revenue raised by taxation in the District of Columbia and provides for a changeable tax rate, depending upon the budget.

Mr. BLANTON. If the Senate amendment should be adopted by the House conferees, then would the Government of the United States continue to pay half the expenses of running the District of Columbia, as has been done heretofore?

Mr. MAPES. If the House conferees and the House accepted the Senate amendment, it would.

Mr. BLANTON. Is there any chance of the House conferees accepting the Senate amendment without giving the House a vote on it?

Mr. MAPES. I do not imagine there is.

Mr. BLANTON. Will the gentleman agree to give the House a chance to vote on the matter before he accepts the Senate amendment?

Mr. MAPES. Oh, I do not think there is any occasion for making such an agreement. The conferees know the attitude of the membership of the House on the question, and, personally, they are as much opposed to this half-and-half principle as anyone.

Mr. BLANTON. I object, Mr. Speaker.

The SPEAKER. The gentleman from Texas objects.

Mr. PLATT. I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. PLATT. Mr. Speaker, yesterday I received a telegram announcing the death of Hon. Thomas W. Bradley, my predecessor in Congress. He was an honored Member of this House for 10 years, 1903 to 1913, and died at his home at Walden, in Orange County, N. Y., where he has been living since his retirement. Col. Bradley was a veteran of the Civil War and a medal of honor man, having received his medal of honor for gallantry on the field at Chancellorsville, where he volunteered, though only a boy of 17, to go forward toward the Confederate lines and to take from a fallen mule ammunition cases which had been strapped to the mule and bring them back under fire. According to the medal of honor book, during part of the time that he was coming back, carrying the ammunition cases, he turned around and faced the foe, walking backward. The Confederate soldiers, always admiring bravery, ceased firing at him and cheered. [Applause.] It seems particularly fitting that such a soldier should have died on Decoration Day.

Col. Bradley was born in England in 1844. He came to this country at the age of 2 years. He enlisted in the One hundred and twenty-fourth New York Infantry as a mere boy and returned a captain before he was 21 years of age. He was wounded in battle three times, at Gettysburg, at the Wilderness, and at Boylton Plank Road. He became after the Civil War a successful manufacturer of knives, and, entering politics, served several terms in the New York State Assembly before his election to Congress. In the House of Representatives he served on the Committee on Invalid Pensions and on the Committee on Military Affairs. Many Members of this House remember him, and many have spoken to me about him in terms of warm friendship and affection. He was a man of peculiarly lovable disposition, the idol of the people of his home town and county, and at the same time a man of strong convictions and sturdy character. I want to make acknowledgment here before men who know him that I personally owe much to his friendship and kindly advice.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that on May 29 they had presented to the President of the United States, for his approval, the following bills:

H. R. 11960. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921; and

H. R. 13416. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1921, and for other purposes.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 2. An act to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2279. An act to authorize the addition of certain lands to the Humboldt National Forest;

S. 4435. An act to authorize officers of the naval service to accept offices with compensation and emoluments from Governments of the Republics of South America; and

S. 4259. An act to provide further for the relief of war minerals producers and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war and for other purposes," approved February 2, 1919.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4435. An act to authorize officers of the naval service to accept offices with compensation and emoluments from Governments of the Republics of South America; to the Committee on Naval Affairs.

S. 4259. An act to provide further for the relief of war minerals producers and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved February 2, 1919; to the Committee on Mines and Mining.

S. 2279. An act to authorize the addition of certain lands to the Humboldt National Forest; to the Committee on Public Lands.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FREEMAN, until further notice, on account of illness in his family.

#### EXTENSION OF REMARKS.

Mr. MacGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill which has just been passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

#### CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the first bill on the Calendar for Unanimous Consent.

#### SEQUOIA NATIONAL PARK, CALIF.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 5006) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park.

Mr. GARD. Mr. Speaker, are we now proceeding with the call of the Calendar for Unanimous Consent by virtue of the suspension rule that we passed?

The SPEAKER. We are.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. The gentleman from California [Mr. ELSTON], in charge of the bill, is away with the Indian Committee.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, this bill has been on the top of the calendar for a long time. Are we to continue it there, or is it going to the foot of the calendar?

Mr. SINNOTT. I would like to have it continued until the gentleman returns, as he has been negotiating with the Forestry Department and the Park Service concerning the matter.

Mr. SABATH. Mr. Speaker, will the gentleman return before the 5th?

The SPEAKER. The Chair thinks he will not.

Mr. SINNOTT. I have no information about that.

Mr. CLARK of Missouri. Mr. Speaker, if the gentleman will ask that the bill go to the foot of the calendar the chances are

that nobody will object to it, but if he is going to keep it at the head of the calendar there may be objection.

Mr. SINNOTT. Mr. Speaker, if the gentleman insists, then I ask that the bill be passed over without prejudice, to go to the foot of the calendar.

The SPEAKER. Is there objection?

There was no objection.

#### BUILDINGS AT CAMP FUNSTON, KANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3706) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, this seems to be a rather important measure. I have forgotten just how much it involves. Can the gentleman from Kansas [Mr. ANTHONY] give us that information?

Mr. ANTHONY. Mr. Speaker, I do not think there will be a great amount involved in this bill. The bill as it passed the Senate authorizes the Secretary of War to adjust the damages these lessees have suffered. They are men who erected buildings on the zone at Camp Funston for mercantile pursuits and amusement enterprises for the soldiers at the camps. They were given a five-year lease. They erected these buildings at their own expense. After a lapse of about three years they were ordered off the reservation. The Government is now occupying the buildings, and the lessees are asking that they be recompensed for the amount they have lost, for the balance of their lease—that is, the amount they have lost in the construction of the buildings.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McLAUGHLIN of Michigan. Under this bill will these people be permitted to claim a recovery for prospective profits?

Mr. ANTHONY. I do not think so.

Mr. McLAUGHLIN of Michigan. Is there any doubt about it?

Mr. ANTHONY. Well, the War Department—

Mr. McLAUGHLIN of Michigan. I object.

Mr. ANTHONY. Oh, I wish the gentleman would wait a moment and let me answer the question. The War Department has consistently ruled in adjusting all of the large contracts growing out of the war that they will not allow anything for prospective profits, and we assume that they will not change their policy.

Mr. McLAUGHLIN of Michigan. Will the gentleman explain why he answered my question by saying that he did not know whether they would or not?

Mr. ANTHONY. It is impossible to tell what the Secretary of War will do. It is to be assumed that he will do the sensible thing. He has not paid prospective profits to anyone, and I assume that he will adhere to that policy.

Mr. McLAUGHLIN of Michigan. Would the gentleman assent to an amendment that these profits shall not be permitted?

Mr. MANN of Illinois. Mr. Speaker, if the gentleman will permit, I do not think that this is necessarily guiding, but the following statement is made in a letter of the Secretary of War relating to this bill:

If these expenditures were made at the instance of the commanding general of the camp and were in the interest of the soldiers at the camp, it would seem equitable to authorize the Secretary of War to pay such sums, not in excess of actual losses, as is necessary to reimburse the holders of these licenses or leases.

Mr. McLAUGHLIN of Michigan. Actual losses. Does it mean losses in construction or losses of profit which they anticipated?

Mr. MANN of Illinois. Oh, well, losses of profits would be prospective losses. Actual losses, I take it, under any construction would only relate to money actually invested and lost.

Mr. McLAUGHLIN of Michigan. Would not the gentleman from Illinois think it is safer, in view of the hands into which this is to go for construction, to have it written into the law that profits should not be allowed?

Mr. BLANTON. Mr. Speaker, in order to save time, I object.

Mr. MANN of Illinois. I do not say it would not be, but under the letter of the Secretary of War—

The SPEAKER. Objection is heard.

#### AMENDMENT TO HOMESTEAD LAW, ALASKA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10806) to provide for the abolition of the 80-rod reserved shore spaces between claims on shore waters in Alaska.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object—

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, who is in charge of this bill?

Mr. SINNOTT. The gentleman from Alaska [Mr. GRIGSBY] is not here, but probably I can answer the question.

Mr. MANN of Illinois. Mr. Speaker, I would like to ask this question: This is a reservation which was made on the shores of the Alaska coast, which was in a way the culmination of many contests and years of efforts in this House and in the Government to preserve the right of navigation, and so forth, on the shores of Alaska and to prevent monopoly there. There was a long fight over it. I believe one Secretary of the Interior went out as the result, probably, of that fight. A good many reputations were possibly made or damaged; and when the bill passed the House gave certain rights, and this reservation was made to protect the water. Now, I do not pretend to be familiar with the present situation, but I wondered whether the Committee on the Public Lands, I think possibly all the members of which have come into the House since the original legislation, were familiar with the contests and the reasons for this.

Mr. SINNOTT. I think the theory of this bill is that no one gets an entry of this kind as a matter of right. The Secretary of Agriculture will not eliminate any land from the forest for entry under the first part of the bill if it is needed for shore or dock rights. Then, under the second part of the bill the Secretary of the Interior in a proper case will permit the entry, but the applicant does not procure the entry as a matter of right.

Mr. MANN of Illinois. The original law—the gentleman has not answered the question, possibly may not have the information—was designed to protect the public by reserving certain spaces between places which were made by private individuals or by corporations or by individuals for the benefit of corporations, so no one could get a monopoly on some of these ports; at some places where navigation could be had, so no one would have the right to gain a monopoly of the shore line where vessels could come in. Now, I say I am not familiar with the present situation, but certainly the answer of the gentleman is hardly sufficient, because there was a reason for the enactment of the law. Now, if Congress made a mistake about it, and it may have made a mistake at the time, somebody ought to tell us so and why. I do not know, but it was the deliberate judgment at the time. This was not hastily enacted; it was not carelessly enacted; it was not enacted without knowledge of what they were doing.

Mr. SINNOTT. I have no knowledge of the old law except what the gentleman from Illinois has given to me. We were informed by both departments that they could protect the situation. Here is the gentleman from Alaska now, and he perhaps can answer the gentleman's question.

Mr. GRIGSBY. What is the question?

Mr. SINNOTT. The question was in reference to the original law, which the gentleman from Illinois says was designed to protect the shore rights, and he asked whether or not the matter is thrown open and unguarded by this bill?

Mr. GRIGSBY. Well, this bill is to extend the homestead laws of Alaska with reference to spaces of 80 rods along the shore line of all Alaska waters. That provision was inserted in the original act because it was thought that homesteaders might take up all the water suitable for harborage purposes. Now, there are on account of that reservation about 50,000 miles of good agricultural land which is unnecessarily reserved from entry.

This bill simply places it in the discretion of the Secretary of the Interior to waive that reservation wherever he sees fit. It does not absolutely throw the land open, but if the Secretary of the Interior deems that any particular entry will take up land that is wanted for harborage purposes he can refuse the patent. Otherwise he will grant it.

Mr. MILLER. Will the gentleman yield for a short question? It reserves to the Secretary the right to protect the harbors?

Mr. GRIGSBY. Absolutely.

Mr. CHINDBLOM. Does this proposition include any mineral rights?

Mr. GRIGSBY. It does not affect any mineral rights in any way. All the land is open for mineral entry except in the forest reserves, anyway.

Mr. CHINDBLOM. This 80-rod reserve does not affect their mineral rights at all?

Mr. GRIGSBY. It affects them in no way.

Mr. CHINDBLOM. Your bill does not affect minerals?

Mr. GRIGSBY. Not at all. It is to give the Secretary of the Interior the right to waive the 80-rod provision as to shore spaces.



The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the provisions of the act of May 14, 1898 (30 Stat. L., p. 409), extending the homestead laws to Alaska, and the act of March 3, 1903 (32 Stat. L., p. 1028), amendatory thereof, creating 80-rod reserve spaces between entries and claims along the shores of navigable or other waters in the Territory of Alaska, are hereby repealed, and the shore spaces created by said acts are hereby restored to the public domain, but nothing herein shall prevent the President from withdrawing such shore lands as may be deemed necessary or advisable in the public interests.

Also the following committee amendment was read:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That the provisions of the act of May 14, 1898 (30 Stat. L., p. 409), extending the homestead laws to Alaska, and of the act of March 3, 1903 (32 Stat. L., p. 1028), amendatory thereof, in so far as they reserve from sale and entry a space of at least 80 rods in width between tracts sold or entered under the provisions thereof along the shore of any navigable water, and provide that no entry shall be allowed extending more than 160 rods along the shore of any navigable water, shall not apply to lands classified and listed by the Secretary of Agriculture for entry under the act of June 11, 1906 (34 Stat., p. 233), and that the Secretary of the Interior may upon application to enter or otherwise in his discretion restore to entry and disposition such reserved spaces and may waive the restriction that no entry shall be allowed extending more than 160 rods along the shore of any navigable water as to such lands as he shall determine are not necessary for harborage uses and purposes."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### REVENUES OF THE DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I renew my request to take from the Speaker's table the half-and-half bill, disagree to the Senate amendments, and ask for the conference.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill, which the Clerk will report, disagree to the Senate amendments, and ask for a conference.

The Clerk read as follows:

A bill (H. R. 7158) to provide for the expenses of the District of Columbia.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I withdraw the objection I made awhile ago.

The SPEAKER. The Chair hears no objection.

The SPEAKER appointed the following conferees: Mr. MAPES, Mr. FOCHT, and Mr. JOHNSON of Kentucky.

#### CONSTRUCTION OF CERTAIN FLOOD-CONTROL WORKS.

The SPEAKER. The Clerk will report the next bill.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 13313) to authorize the construction of flood-control and improvement works in Boise de Sioux River, the Red River of the North, and Lake Traverse, between the States of Minnesota, North Dakota, and South Dakota.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to know from the gentleman in charge of the bill something of the facts. As it is drawn it is in a very peculiar form. It provides that—

The drainage districts and other municipal authorities of the States of Minnesota, North Dakota, and South Dakota, or anyone or more of them now or hereafter organized, etc., are hereby authorized to construct a dam.

Suppose there are a dozen such districts and authorities now organized; suppose four of them come to-day to the War Department and ask to do this work, and next week another combination of them come; suppose their plans are conflicting. Is it not a little indefinite to say that these districts or any of them may do a certain thing?

Mr. VOLSTEAD. The situation is this: Some of those districts have not been formed, and it is difficult to determine definitely just how they will be formed. I can not see any great difficulty, because the Board of Engineers are the final judges as to what they approve, and these districts would have to comply with the requirements of the War Department in that respect. The engineers can only approve one plan.

Mr. CRAMTON. If the gentleman thinks it is all right, very well. Of course, if one or two of them, even under that option, rush in with a set of plans that the Secretary knows nothing about, and he approves them, and the other bunch is slower and get here late—

Mr. VOLSTEAD. They would have to take their chances.

Mr. CRAMTON. I understand the gentleman is familiar with the conditions, and if he thinks it will meet the case, I will not make any objection.

Mr. VOLSTEAD. I do not think there can be any difficulty at all. Those things can not be done in the dark. The organizations covering the territory affected are the only ones that could act.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, I desire to make inquiry as to whether this bill is intended to correct a condition or is it merely operating on what may be a theory as to some flood-protection business?

Mr. VOLSTEAD. There have been a great many plans made for the purpose of seeing if they could not find some way in which to relieve that country from the flood conditions that occur almost every spring.

No money is asked from the Federal Treasury. We are asking simply for power to go on and do the work. It happens to be an interstate stream, and in consequence we must have authority from the Federal Government to enable us to act.

Mr. GARD. The thing that impresses me is that there is no plan of flood protection. I would be glad to give my support to any plan of Federal acquiescence. I am happy to say that some of the States are willing to take care of their own business and not burden the Federal Government, and to that extent I appreciate what the gentleman is trying to do. But I note in the report that under a provision passed in the last river and harbor act the States were authorized to enter into an agreement to do the work, and the report states that the War Department has refused to give its approval on the ground that the legislation did not authorize the States to act through their drainage districts. What I wanted to ask was whether the river and harbor bill, which has again been sent to conference after some discussion, would carry a general provision which would allow these gentlemen to proceed?

Mr. VOLSTEAD. No provision is contained in that bill at all. This provision is intended to remedy the defect in the old authorization. Now the trouble with the old authorization was that the States of Minnesota and North and South Dakota might do the work. The State of Minnesota under its constitution has no power to spend money for internal improvements of this kind. Consequently it was held by the Board of Engineers that the authorization to the State contained in the river and harbor appropriation act was not sufficiently broad so as to permit action through the drainage districts.

Mr. GARD. Is there any agreed-upon plan of flood protection up here at the outlet of Lake Traverse, in the Boise de Sioux River?

Mr. VOLSTEAD. There has been a plan surveyed, and no doubt it will be put into effect as intended if this legislation goes through.

Mr. GARD. What is the use of getting legislation unless you know what is going through?

Mr. VOLSTEAD. They adopted a plan that we tried to put into effect under the old provision.

Mr. GARD. The trouble about it, as I see it, is that you have no agreed-upon plan.

Mr. VOLSTEAD. Oh, there has been a plan agreed upon.

Mr. GARD. You said there was not, a moment ago. You said you had tried to get it.

Mr. VOLSTEAD. There have been a number of surveys. A plan was adopted and submitted by the governors of the three States to the Secretary of War for the purpose of having the work done, but when that was submitted objection was made by the Secretary on the ground that I have suggested, and hence we come now with this bill for the purpose of obtaining permission to do the work through drainage districts.

Mr. GARD. What I wanted to be advised of was whether these were drainage districts or municipal districts having adequate authority. I think it is a very vague phrase. It should be drainage districts.

Mr. VOLSTEAD. In Minnesota the drainage districts will be formed. In South Dakota I am not sure that they have drainage districts, but they will operate through the counties. But they all have agreed, and this allows them to agree, to do the work. They have State legislation authorizing them to act under legislation of this kind. This bill has been presented to the War Department, and it has the approval of that department.

Mr. GARD. It may be said to have the War Department's approval, but the approval is not very pertinent to the issue. What I want particularly to know about is whether these drainage districts have agreed upon the plan to build a dam at the outlet of Lake Traverse in the Boise de Sioux River.

Mr. VOLSTEAD. That is the plan that has been agreed to.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MANN of Illinois. Is not this the situation, that the States have made a plan and submitted it to the War Department for approval?

Mr. GARD. That is what I am trying to learn, whether there has been a definite plan agreed upon by the States and submitted to the Secretary of War.

Mr. MANN of Illinois. There has been a definite plan agreed upon by the States and submitted to the Secretary of War, and the States were prepared to enter upon the work, but the War Department then said that authority was only given to the States directly to do the work, whereas the States had prepared to have the work done through drainage districts. This is simply to permit the States to do the work through drainage districts, the plan having been agreed upon, and the States being prepared to go ahead with the work.

Mr. GARD. Now, there is one element in this bill that is entirely at variance, as I take it, with what should be the provision. The bill comes from the Committee on Flood Control. It has for its purpose the control of flood waters up in that country. That is a laudable purpose. I would be glad to contribute as much as I can to have that purpose thoroughly accomplished.

I shall be glad to contribute as much as I can to have that purpose thoroughly accomplished, but I note on page 2 of the bill it provides also that they—

may agree upon as necessary for the prevention and control of floods, the improvement of navigation.

Mr. VOLSTEAD. There is some navigation.

Mr. GARD. Necessarily there must be an association between navigation and flood control under the language of the bill.

Mr. MANN of Illinois. Oh, well, the gentleman will remember that when the Flood Control Committee was created the House took away certain jurisdiction theretofore conferred on the Committee on Rivers and Harbors.

Mr. GARD. Yes; I remember that.

Mr. MANN of Illinois. And we passed a bill in reference to flood control on the Mississippi River, which is directly in the interest of navigation; and it has always been the policy of Congress, wherever there was any possibility of navigation, wherever authority was given for the construction of dams or otherwise, that the War Department should require the interests of navigation to be conserved.

Mr. GARD. The flood-control act which the gentleman speaks about did not carry for its purpose the improvement of navigation.

Mr. MANN of Illinois. That was one of the purposes.

Mr. GARD. That is always carried in the river and harbor bill.

Mr. MANN of Illinois. That was one of the purposes. That was the very reason why the Committee on Rivers and Harbors fought the creation of the Flood Control Committee.

Mr. GARD. It is but an incident of flood control. The primary purpose is the control of flood waters, which is very often entirely inconsistent with navigation.

Mr. DEMPSEY. Never.

Mr. MANN of Illinois. When they start the prevention and control of floods, they ought also to consider the improvement of navigation, and we always require the War Department to do that.

Mr. GARD. Is this a navigable river?

Mr. VOLSTEAD. The dam will be built at the lower end of Lake Traverse, which has some navigation.

Mr. GARD. What sort of navigation is there?

Mr. VOLSTEAD. They have grain elevators on the lake, and some boats haul grain and other commodities to and from the upper end of it.

Mr. MANN of Illinois. There will be a great deal more navigation if they build a dam there than there will if they do not.

Mr. VOLSTEAD. It will undoubtedly increase navigation.

Mr. GARD. The previous bill carried the statement that there was no liability on the part of the United States. Is it intended that there shall be no financial liability upon the United States as a result of the passage of this bill?

Mr. VOLSTEAD. All the expense will be borne by the taxpayers in the immediate vicinity, who own land that will be benefited by the work.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the drainage districts and other municipal authorities of the States of Minnesota, North Dakota, and South Dakota, or any one or more of them now or hereafter organized and existing under the laws of said States, are hereby authorized to construct a dam at or near the outlet of Lake Traverse in the Boise de Sioux River, together with such dikes, spillways, diversion channels, and other works in said river and lake, and the Red River of the North, as such districts or municipal authorities, or any of them, may agree upon as necessary for the prevention and control of floods, the improvement of navigation, and the drainage of lands, and for that purpose may deepen and straighten any parts of said rivers: *Provided,* That plans for the work hereby authorized shall be submitted to the Secretary of War and the Chief of Engineers for their approval, and unless and until approved by them, no part of such work shall be built or commenced.

\*Sec. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

#### PATENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9932) authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry inventions, patents, and patent rights, and for other purposes.

The Clerk read the title of the bill.

Mr. NOLAN. Mr. Speaker, there is considerable controversy over this measure, and I think it will be just as well off the Calendar for Unanimous Consent. I ask unanimous consent that it be stricken from that calendar.

Mr. GARD. I object to the consideration of the bill. That will take it off.

Mr. NOLAN. That automatically takes it off the Calendar for Unanimous Consent.

The SPEAKER. Objection is made. The Clerk will report the next bill.

#### REIMBURSEMENT OF CERTAIN COUNTIES IN NEW MEXICO FROM GRANT-LAND FUNDS OF THE STATE.

The next business on the Calendar for Unanimous Consent was the bill (S. 3867) authorizing the State of New Mexico to apply the proceeds of the grant to said State of 1,000,000 acres of land made by section 7 of the enabling act, June 20, 1910, for the reimbursement of Grant County, Luna County, Hidalgo County, Santa Fe County, and the town of Silver City, N. Mex.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, this matter has been before considered on the calendar for unanimous consent, and I call the attention of those who may be proponents of the bill on the floor to-day to the statement contained in the letter of Secretary Lane of February 12, 1919, to the effect:

According to my understanding, however, Santa Fe County, notwithstanding the validation of the said bonds by Congress, did not at any time pay either the interest or principal and the bonds and accrued interest remained unpaid at the date of the admission of New Mexico into the Union. On the other hand, Grant County at all times paid the interest on its bonds as it became due and payable. This is likewise true of Luna County, which had been carved out of Grant County in 1901, and had assumed its proportionate share of the indebtedness evidenced by the bonds validated and confirmed by the act of 1897, supra, and at the date of admission of the State into the Union only the principal of the said bonds was outstanding, and there was no debt due by either of said counties at that date on account of accrued interest on these bonds.

So that unless we can have a report from the Secretary of the Interior as to the payment of this money which is now asked to be reimbursed I shall be compelled to object.

Mr. SINNOTT. The gentleman read from the letter of the Secretary of the Interior of February 12, 1919. Here is a letter in the report from the Secretary of the Interior of February 18, 1920, in which he says:

Should it be shown, however, to the satisfaction of your committee that Santa Fe County is entitled to be reimbursed for any moneys paid by it, I have no objection to offer to the enactment of this bill.

The Secretary, when he wrote the other letter, did not have the full information. I have a certified copy of the records of Santa Fe County showing that Santa Fe County paid \$65,427.50.

Mr. GARD. I am glad to have that additional information. Still, the Secretary of the Interior says that "should it be shown to the satisfaction of your committee that Santa Fe County is entitled to be reimbursed, I have no objection to offer to the enactment of the bill." There has no affirmative evidence been shown to the department.

Mr. SINNOTT. I have the evidence here.

Mr. GARD. I say, unfortunately, that the statement the gentleman makes is not so conclusive as to carry with it the



recommendation of the department. In other words, the paper that the gentleman calls a certificate has never been presented to the department for a proper report of the matter.

Mr. SINNOTT. It has been presented to the committee by the gentleman from New Mexico [Mr. HERNANDEZ], who is always diligent and watchful for the interests of his State. He is absent on official business with the Indian Committee. Before he left he asked me to look after this bill. I have also personally conferred with Senator Jones of New Mexico, and he says the county paid this interest. I do not think we should be compelled to make a showing to the Secretary of the Interior in order to get back from him another report, inasmuch as he stated in his letter of February 18, 1920, that if it was shown to the satisfaction of the committee, and so forth, and it has been shown to the satisfaction of the committee that this county paid \$65,427.50.

Mr. GARD. But the statement appearing on page 4 of the report is that it has not been shown that it was paid, or whether it has been paid, or enough of it to authorize this refund, the report does not show.

Mr. SINNOTT. The letter which the gentleman read from page 4 was dated February 12, 1919, and the letter I read is dated February 18, 1920.

Mr. GARD. My criticism is that it does not explain away the declaration of February 12, 1919.

Mr. SINNOTT. It shows absolutely that the interest has been paid.

Mr. RAKER. Will the gentleman yield?

Mr. GARD. Yes.

Mr. RAKER. As a member of the subcommittee, we took full testimony on this, and we had a certified copy of the record showing that this county had paid this money.

Mr. GARD. How much did Santa Fe County pay?

Mr. SINNOTT. Sixty-five thousand four hundred and twenty-seven dollars and fifty cents. Here is a certificate of Alfredo Lucero, the clerk of the district court of the first judicial district of the State of New Mexico, and it is also certified to by the same person as the clerk of the county of Santa Fe.

Mr. GARD. What was the amount of the interest on the principal and the accrued interest on the bonds?

Mr. SINNOTT. I have it here. It reads:

Interest paid by Santa Fe County on railroad bonds per bond register.

On bonds of 1880 and coupons amounts to \$36,470.

The total interest paid by Santa Fe County on the coupons is summarized: Bonds of 1880, \$36,470; bonds of 1887, \$7,920; bonds of 1891-92, \$21,037.50; making a total of \$65,427.50. Here are the certificates:

STATE OF NEW MEXICO,  
County of Santa Fe, ss:

I, Alfredo Lucero, clerk of the county of Santa Fe and State of New Mexico, do hereby certify that the foregoing three pages contain a true, correct, and complete copy of the bond register of said county, showing the payment of coupons on interest-bearing bonds, and their respective numbers as the same were paid by the county treasurer of said county.

In witness hereof I have hereunto set my hand and official seal at my office in the city of Santa Fe, county of Santa Fe, and State of New Mexico, this 4th day of March, 1920.

(Signed) ALFREDO LUCERO,  
County Clerk of the County of Santa Fe,  
State of New Mexico.

STATE OF NEW MEXICO,  
County of Santa Fe, ss:

I, Reed Holloman, judge of the first judicial district of the State of New Mexico and judge of the district court within and for the county of Santa Fe, do hereby certify that Alfredo Lucero, by whom the above attestation was made, was, at the time and date thereof, clerk of said court, duly qualified, and that the said attestation is in due form of law and made by the proper officer.

(Signed) REED HOLLOMAN,  
Judge First Judicial District,  
State of New Mexico, etc.

Mr. WALSH. Well, Mr. Speaker, gentlemen do not seem to make much progress in satisfying the gentleman from Ohio.

Mr. GARD. I would prefer that the matter had been finally submitted to the department, so the Secretary could explain that which he said had not been done, if it has been done. I confess it is difficult for me to learn from the reading of the certificates whether or not this has been paid. If it has been, I do not care to stand in the way of the enactment of the bill even through this extraordinary process.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. GARD. Yes.

Mr. MANN of Illinois. It would be up to the State of New Mexico to determine whether the money had been paid or not. Does not the gentleman think it wholly unlikely that the State will pay money out of the treasury to the county of Santa Fe unless perfect proof is offered, which they have on record in the State and county?

Mr. GARD. I do not know, but I should say that Congress should have some proof before acting upon it.

Mr. MANN of Illinois. All we do is to confer on the State the authority to pay the money which the State owes and which the county claims it is entitled to.

Mr. GARD. Necessarily we should have some proof to show that the county has actually paid it before we pass enabling legislation. If the gentleman is satisfied from the certificate that they did pay the amount of interest that they were chargeable with at the time and which the State desires to refund, I have no objection.

Mr. SINNOTT. I am absolutely satisfied.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the authority and consent of Congress is hereby granted to the State of New Mexico to apply any part of the proceeds of the grant to said State of 1,000,000 acres of land made by section 7 of the enabling act of June 20, 1910 (36 Stats., p. 557), for the reimbursement of Grant, Luna, and Hidalgo Counties for interest paid by said counties on the bonds of Grant County, and for the reimbursement of Santa Fe County for interest paid by said county on the bonds of Santa Fe County, which said bonds were validated, approved, and confirmed by act of Congress of January 16, 1897 (29 Stats., p. 487), and also for the payment of the principal of the bonds issued by the town of Silver City and likewise validated by said act of January 16, 1897, and to reimburse the town of Silver City for interest paid by said town on said bonds, all in addition to the obligations provided in said enabling act to be paid from the proceeds of said grant.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ABANDONED PORTIONS OF RAILROADS' RIGHTS OF WAY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9899) to provide for the disposition of abandoned portions of rights of way granted to railroad companies.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, this bill was considered before, and after an interrogation by the gentleman from Illinois [Mr. MANN], it was objected to by myself. Afterwards I had the privilege of talking with the gentleman from South Dakota [Mr. CHRISTOPHERSON] about some amendments. Has the gentleman any amendments to propose to the bill?

Mr. CHRISTOPHERSON. Yes; the amendments that I propose to offer are minor amendments correcting the phraseology of the bill.

Mr. GARD. I have not the bill before me, and under the reservation of an objection I would like to have the gentleman advise me and the Members of the House what the proposed amendments are.

Mr. CHRISTOPHERSON. The amendments that I propose to offer are, in line 3, on page 2, to strike out the words "or its heirs"; in line 11, strike out the word "patent" and insert in lieu thereof the word "title"; and in line 15, to strike out the first word "or" and insert in lieu thereof the word "of."

Mr. GARD. The objection which was in my mind was that without any process by anybody, except the proof of the matter of abandonment, the title to this land vested in some subdivision which was outside a municipality, and simply because a man might own a piece of ground contiguous to this abandoned land, by virtue of the ownership and no other action he became entitled to this abandoned land. It seems to me there ought to be some approval by some one who has charge of the land rather than have the automatic addition to the man's own land.

Mr. CHRISTOPHERSON. This does not do that automatically. The bill was originally drawn so that it would automatically do it, but by the suggestion of the department there was a committee amendment which has been submitted by the committee and which I will read—

whether by forfeiture or by abandonment by said railroad company, declared or decreed by a court of competent jurisdiction or by act of Congress.

With that amendment the parties would either have to go into court and get a decree declaring the land forfeited in a competent court or by a special act of Congress. We should also bear in mind that this does not operate upon any railroad lands, excepting those that have been granted by the Government for railroad purposes alone, and the Supreme Court has said they have simply a base title, and when they abandon the lands for

railroad purposes they had no further rights in them. You are not taking anything away from the railroads by passing this act, because they have no other rights in it.

Mr. GARD. I understand they have no further rights in it by abandonment, but that which I desire to direct the attention of the gentleman to is that before these abandoned strips vest in somebody else they should be submitted so some authority rather than to have them vest in a municipality because the strips happen to be there, or vest in a legal subdivision because it is immediately next thereto.

Mr. CHRISTOPHERSON. Here is a strip of road 100 or 200 feet wide, running through a quarter section of land. It would not be suggested that the Department of the Interior would grant title to a narrow strip to some one else, but it would naturally go to the party who has the original tract or subdivision, because to grant title to some one else or grant the Interior Department the right to pass upon whether it should go to the adjoining owner or to some one else, would leave it then where they might grant title to a narrow strip running through a quarter to another party.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. CHRISTOPHERSON. Yes.

Mr. MONDELL. Did not the acts of June 26, 1906, and February 25, 1909, make the same disposition of title that is proposed in this act?

Mr. CHRISTOPHERSON. Just exactly, and the only trouble with those two acts are, as stated by the Interior Department, that they were present in their operation and did not affect rights of way that have been abandoned or changed since the passage of those two acts. Now, this question in my State is that we have a line of road that has straightened its line since the 1909 act, and consequently those two acts do not operate upon these abandoned rights of way.

Mr. MONDELL. Many years ago I introduced a bill on this subject. I think it was probably the act of June 26, 1906. I think it was the first general act of this kind, and I am informed by the gentleman who introduced this bill that the same disposition was made of the title in that bill as in this case. It is the only disposition that can logically and properly be made of the title in such cases.

Mr. GARD. These are public lands originally given as a right of way, and by act of Congress or by decree of court they became abandoned. Whether they are great or small we do not know, but it would seem to me, therefore I am asking the gentleman, that with the abandonment, either by judicial decree or act of Congress, that the land would again revert to the United States and become public land, and there should be some provision made for their revesting in title or patent or whatever it is called in some one other than going to the man or municipality simply because they owned land immediately contiguous to the abandoned strip.

Mr. MONDELL. At the time the first act referred to in the report was passed the public domain in the West was covered with almost an innumerable number of these rights of way. Many men were occupying lands that were covered by one or two rights of way, without any knowledge on their part that there was any right-of-way cloud on their title. These congressional terminations of rights of way are necessary because, while the company having failed to comply with the conditions of the law has no longer any legal right, there is still a question as to the title where a patent was obtained after the land was clouded by a right of way.

Mr. GARD. This is not an abandonment by a congressional action. This provides what may be done in the event of congressional action or in the event of a judicial decree, and has for its purpose the absolute vesting of title to land in the municipality through which the strip runs or in the owner of some legal subdivision—

Mr. BLANTON. Will the gentleman yield?

Mr. GARD. I will yield to the gentleman from Texas.

Mr. BLANTON. Does the gentleman intend to object to the bill? If he does not, I intend to object.

Mr. GARD. If the gentleman desires to object, I think possibly he can save time.

Mr. BLANTON. Well, I object.

Mr. CHRISTOPHERSON. Will the gentleman just withhold that for a moment. I am certain I can make it clear. In my State a quarter section—

Mr. BLANTON. Let me ask a question or two. The title of the railroad company was good only so long as the railroad company maintained operations, and immediately upon the cessation of operations reversion took place to the Government.

Mr. CHRISTOPHERSON. Yes.

Mr. BLANTON. Now, what is the gentleman seeking to do with this land which reverts back to the Government?

Mr. CHRISTOPHERSON. I want to give it to the man who owns a legal subdivision.

Mr. BLANTON. Why is a man who owns a legal subdivision entitled to something that he never purchased?

Mr. CHRISTOPHERSON. Because he would have received it in the first instance if the right of way had not been there.

Mr. BLANTON. And would have paid for it the same price as he paid for his other land?

Mr. CHRISTOPHERSON. Now, let me tell the gentleman this is the case I have in mind—

Mr. BLANTON. Just one point right there. The man is entitled to so many acres as a homestead?

Mr. CHRISTOPHERSON. Yes.

Mr. BLANTON. If he does not get all of his acreage in one tract he can get the balance to which he is entitled out of another vacant tract, can he not?

Mr. CHRISTOPHERSON. No. Here is a legal subdivision of 160 acres, and the railroad has gone through and taken out 100 feet of it running through—

Mr. BLANTON. Which amounts to 10 or 12 acres?

Mr. CHRISTOPHERSON. Not as much as that; only a few acres.

Mr. BLANTON. A few acres. If the man was entitled to 160 acres, was he not entitled to take up a part of his homestead—

Mr. CHRISTOPHERSON. No; he could only take a quarter of a section. Here is the point—

Mr. BLANTON. Why, does not the gentleman know the Land Office has granted patents in some cases to some three or four or five different tracts of land, each embracing the homestead of an individual?

Mr. CHRISTOPHERSON. That may be true, but not in this case. Here is a narrow strip, and the Government would not get anything for it, or sell it to anybody, and you are reducing the value of that quarter section of land by returning title in the Government to a narrow strip.

Mr. BLANTON. Suppose it has under it oil or coal or gas, or something else of value?

Mr. CHRISTOPHERSON. The land I have in mind is on the Milwaukee extension running to the coast. Later this company straightened the line and abandoned certain parts of the old line.

Mr. BLANTON. But your bill is a general bill, applicable to all public lands in the various States of the United States.

Mr. CHRISTOPHERSON. It does not contain a single right except what is contained in two acts, one passed in 1906 and one in 1909, by Congress relating to this same subject.

Mr. BLANTON. And while there may not be oil, or gas, or coal, under the gentleman's particular land in which he is interested, the gentleman may know that down in Oklahoma, Louisiana, and other places sometimes 1 acre of land might be worth ten millions of dollars, with oil wells producing on it.

Mr. CHRISTOPHERSON. Wait a minute. If I am not mistaken—I can not say positively—I think in all of the lands granted here there have been reserved the minerals. I believe they have in the lands granted to the State of South Dakota. I have no objection to an amendment if the gentleman desires that they shall be reserved.

Mr. BLANTON. I do not think this kind of a bill should be taken up and passed on Decoration Day at three minutes past 6 o'clock, with only a few of us here who have been here since 12 o'clock.

Mr. CHRISTOPHERSON. This is a bill that ought to be passed.

Mr. GANDY. Will the gentleman from Texas yield a minute?

Mr. BLANTON. I will.

Mr. GANDY. In the case of a homestead upon which there is a railroad right of way, the homesteader pays just exactly the same fee to the land office, whether there is or is not a railroad right of way.

Mr. BLANTON. Take it down in Louisiana or Oklahoma—

Mr. GANDY. Let me finish the statement. In the land involved, or in any other place in South Dakota, where the right of way might be abandoned, the homesteader in compliance with the law has already performed the requisite and necessary improvement and necessary cultivation to the necessary acreage of land to which he was entitled. He was entitled to it then and is entitled to it now.

Mr. BLANTON. I want to call the gentleman's attention to something he may have overlooked. Down on the Red River now the Government of the United States has a controversy where just one-half of the river bed alone is worth millions of dollars. And there are certain parts of the country, which I could cite the gentleman to, where the right of way of rail-



roads is worth millions of dollars by reason of oil and coal and gas found underneath the ground.

Mr. GANDY. Let me say to the gentleman there would be no objection—

Mr. BLANTON. I object, Mr. Speaker.

Mr. GARD. Mr. Speaker, is it the intention of the gentleman from Wyoming to adjourn?

Mr. MONDELL. I have been informed by one or two gentlemen that they propose making a point of no quorum about this time. While I should be very glad to go on, I realize we can not do so without a quorum.

Mr. GARD. I make the point of order—

Mr. MONDELL. I know that some Members would not wish to come in this evening in answer to a roll call, and therefore I think we better adjourn before a point of no quorum is made. I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

#### MEMORIAL DAY.

Mr. MONDELL. This is the day, Mr. Speaker—

Mr. GARD. I have pending a point of order that there is no quorum present, but I reserve it. I withdraw the point.

Mr. MONDELL. I propose making a motion to adjourn very soon.

Mr. Speaker, this is the day set aside by custom and law in memory and honor of the Nation's heroic dead. Throughout the length and breadth of the land patriotic citizens are strewing flowers on the graves and doing honor to the memory of those who have worn the Nation's uniform and upheld and defended the Nation's flag. In order to dispose of the public business, it has been necessary for the Congress to remain in session to-day. But during this time, while we have been giving attention to the people's business, our hearts have been with the patriotic citizens throughout the country who are honoring the memory and decorating the graves of the Nation's defenders. [Applause.]

Mr. Speaker, I now ask unanimous consent that when the House adjourns to-day it adjourn in honor of Memorial Day and in honor of the heroic men and women in whose memory the day was established and is celebrated.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

#### ORDER OF BUSINESS.

Mr. MONDELL. Will the gentleman from Ohio [Mr. GARD] withhold that just a moment?

Mr. GARD. I do not desire to make the point of order.

Mr. MONDELL. I will move to adjourn in just a moment. I want to say to the gentlemen present that from this time on it will be necessary to remain in session rather late in the evening, if we are to conclude the business and get away from here this week. I think gentlemen should so arrange their affairs as to be able to be here until quite a late hour to-morrow night and the following nights of the week until Saturday. After to-morrow I shall ask unanimous consent that when we meet we meet at 11 o'clock a. m.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield.

Mr. MONDELL. Yes.

Mr. CLARK of Missouri. Does not the gentleman think it would be better practice to take a recess from 6 o'clock in the evening until 8, so that Members can go and get something to eat?

Mr. MONDELL. I think that would be best. If we can secure an agreement to that effect, I will be very glad to make that arrangement.

Mr. DYER. Do it now.

Mr. BLANTON. We could hold continuously on if the gentleman from Wyoming would furnish us with a little grape juice and sandwiches and things of that kind.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 400. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims;

H. R. 3184. An act to create a Federal power commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act approved August 8, 1917, and for other purposes;

H. R. 12272. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921; and

H. R. 12775. An act to amend an act entitled "An act making further and more effectual provision for the national defense,

and for other purposes," approved June 3, 1916, and to establish military justice.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 1, 1920, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENISON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4167) to extend the time for the completion of the municipal bridge approaches, and extensions and additions thereto, by the city of St. Louis, within the States of Illinois and Missouri, reported the same without amendment, accompanied by a report (No. 1068), which said bill and report were referred to the House Calendar.

Mr. GOOD, from the Committee on Appropriations, to which was referred the bill (H. R. 14335) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, reported the same without amendment, accompanied by a report (No. 1069), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RODENBERG, from the Committee on Flood Control, to which was referred the bill (H. R. 14311) to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes, reported the same without amendment, accompanied by a report (No. 1070), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PETERS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 14286) to authorize officers of the naval service to accept offices with compensation and emoluments from governments of the Republic of South America, reported the same without amendment, accompanied by a report (No. 1071), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HICKS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 14123) to create a Bureau of Aeronautics in the Department of the Navy, reported the same without amendment, accompanied by a report (No. 1073), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOOD: A bill (H. R. 14335) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. McKEOWN: A bill (H. R. 14336) to amend an act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes; to the Committee on Roads.

By Mr. BRITTEN: A bill (H. R. 14337) authorizing the disposition of certain lands title to which was acquired by the United States for naval purposes during the war, which lands are no longer needed for naval purposes; to the Committee on Naval Affairs.

By Mr. MOON (by direction of the Joint Commission on Postal Salaries): A bill (H. R. 14338) to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, relative to the compensation of United States postal employees; to the Committee on the Post Office and Post Roads.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 14339) granting an increase of pension to Roxie L. Colbert; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 14340) granting an increase of pension to William Homer Edwards; to the Committee on Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 14341) granting an increase of pension to Mervin A. Coshun; to the Committee on Invalid Pensions.

By Mr. CONNALLY: A bill (H. R. 14342) for the relief of Mrs. John P. Hopkins; to the Committee on Claims.

By Mr. DUNBAR: A bill (H. R. 14343) granting a pension to Indiana Abbott; to the Committee on Pensions.

Also, a bill (H. R. 14344) granting a pension to Jacob Sigler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14345) granting an increase of pension to Charles Bernhart; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 14346) granting a pension to Alice M. Burke; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 14347) granting a pension to William Sally; to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 14348) for the relief of H. L. Myers; to the Committee on Claims.

By Mr. ROSE: A bill (H. R. 14349) granting a pension to Annie Beck; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 14350) for the relief of Perley Morse & Co.; to the Committee on Claims.

Also, a bill (H. R. 14351) for the relief of A. W. Duckett & Co.; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 14352) granting an increase of pension to Charles Hurrell; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 14353) granting a pension to Janie Jackson; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4025. By Mr. CAREW: Petition of trades council, Manufacturers' Club of Philadelphia, Pa., asking repeal of excess-profits tax; to the Committee on Ways and Means.

4026. By Mr. CULLEN: Petition of Our Lady of Loretto Council, Knights of Columbus, New York, favoring increases in salaries to postal employees; to the Committee on the Post Office and Post Roads.

4027. By Mr. DYER: Petition of Bottlers' Local Union No. 187, of St. Louis, Mo., favoring amnesty for political prisoners; to the Committee on the Judiciary.

4028. Also, petition of Lawton Byrne-Bruner Co., of St. Louis, Mo., and the Gustin Bacon Co., of Kansas City, Mo., favoring increased postal salaries; to the Committee on the Post Office and Post Roads.

4029. Also, petition of Comfort Printing & Stationery Co., of St. Louis, and the Tobacco Merchants' Association of the United States, in connection with revision of tax legislation; to the Committee on Ways and Means.

4030. Also, petition of St. Louis Chamber of Commerce, protesting against enactment of bonus legislation; to the Committee on Ways and Means.

4031. Also, petition of W. Christ Bryan, of St. Louis, Mo., favoring longevity-pay legislation; to the Committee on the Judiciary.

4032. By Mr. ESCH: Petition of Amalgamated Association of Iron, Steel, and Tin Workers, favoring amnesty for political prisoners; to the Committee on the Judiciary.

4033. By Mr. FULLER of Illinois: Petition of National Convention of Tobacco Merchants, opposing any further tax on business; to the Committee on Ways and Means.

4034. Also, petition of Illinois Valley Manufacturers' Club, opposing the pending soldiers' bonus bill; to the Committee on Ways and Means.

4035. Also, petition of the Friends of our Native Landscape, opposing House bill 12466, to authorize certain irrigation privileges in Yellowstone National Park; to the Committee on the Public Lands.

4036. Also, petition of W. M. Rutler, Illinois State chairman, committee for aid to disabled veterans, urging postponement of bonus legislation until a more adequate provision is made for those who were disabled in the service; to the Committee on Ways and Means.

4037. Also, petition of J. B. Murray and D. W. Gould, urging action on bill to increase salaries of postal employees; to the Committee on the Post Office and Post Roads.

4038. By Mr. GALLIVAN: Petition of 136 residents of Dorchester and Brookline, Mass., favoring passage of the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

4039. Also, petition of M. J. Coe, of West Newton, Mass., and the eastern New England conference board International Molders' Union of North America, favoring Mason resolution for recognition of Ireland; to the Committee on Foreign Affairs.

4040. Also, petition of John E. Donovan, J. L. Powers, Mike Reagan, and 34 other residents of Boston and South Boston, Mass., favoring increased salaries for postal employees; to the Committee on the Post Office and Post Roads.

4041. By Mr. HADLEY: Petition of Aspario E. Beech and 12 other ex-service men, favoring a cash bonus of \$500; to the Committee on Ways and Means.

4042. By Mr. O'CONNELL: Petition of the Interstate Cotton Seed Crushers' Association of Texas, opposing entrance of the Government into commercial fields; to the Committee on Appropriations.

4043. Also, petition of New York County organization of the American Legion, favoring the Darrow bill; to the Committee on Education.

4044. Also, petition of F. K. Collins, opposing the Fordney bonus bill; to the Committee on Ways and Means.

4045. Also, petition of the A. N. Palmer Co., of New York, favoring increased postal salaries; to the Committee on the Post Office and Post Roads.

4046. By Mr. SINCLAIR: Petition of certain residents of Mandan and Dickinson, N. Dak., favoring the passage of H. R. 10925; to the Committee on Interstate and Foreign Commerce.

4047. By Mr. TAGUE: Petition of 30 citizens of Boston, Mass., appealing for increased compensation for employees of the Postal Service; to the Committee on the Post Office and Post Roads.

4048. By Mr. ZIHLMAN: Petition of mayor and city councilmen of Cumberland, Md., asking for additional post-office facilities and the erection of a post-office building at Cumberland, Md.; to the Committee on Public Buildings and Grounds.

#### SENATE.

TUESDAY, June 1, 1920.

(Legislative day of Monday, May 24, 1920.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

#### ENFORCEMENT OF PROHIBITION.

Mr. CALDER. Mr. President, my attention has been called to an article which appeared in yesterday's New York World. I bring it to the attention of the Senate, and more particularly to the members of the Committee on Appropriations who are present, that they may know the conditions prevailing in the city of New York, and I am told that they are prevailing generally throughout the large centers of population. This article indicates that dishonest men are trading in forged certificates to permit the taking from bond of whisky, and have cleaned up more than \$10,000,000 in the last two months.

We have in New York City, as in the other large cities in the country, an official the title of whose office is director of prohibition. Applications are made to this official to withdraw liquor from bond or from a distillery. Applications are forwarded to the department here at Washington, and they are invariably approved. They are then returned to the place of application. Usually the permit is granted, although it is the practice in New York to hold up the permits for a considerable period for one reason or another, and some applicants insist that they are required to pay an illegal fee.

The article to which I have referred states that 11,000 permits have been issued in two months in New York City for the withdrawal of whisky from bonded warehouses or from distilleries, and of that number over 1,200 were forged. The article also indicates that the matter was called to the attention of the director, Mr. O'Connor, in New York, and that he was quite surprised, although it has been a matter of common knowledge for the past two months that forged permits were being issued. There has even been an intimation in some quarters that these fake permits were issued with the knowledge of people from the inside.

I have never in all my experience in the city of New York had my attention called to anything that was so indicative of corruption on the part of public officials. I wish to suggest to the members of the Appropriations Committee now present that when requests come to them again for the granting of appropriations for the enforcement of the prohibition law in the larger cities of the country, they ought to scrutinize them with very great care.

Mr. SMOOT. Mr. President—